23d Congress, 1st Session. | [Rep. No. 474.] | Ho. of Reps.

1834.

REGULATING THE INDIAN DEPARTMENT.

[To accompany bills H. R. Nos. 488, 489, & 490.]

May 20, 1834.

Mr. H. Everett, from the Committee on Indian Affairs, made the following

REPORT:

The Committee on Indian Affairs, to which was submitted so much of the President's message as relates to Indian affairs, &c., submit the following report, to accompany the bills by them reported, entitled,

"A bill to provide for the organization of the Department of Indian Affairs."

"A bill to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers." And,

"A bill to provide for the establishment of the Western Territory, and for the security and protection of the emigrant and other Indian tribes therein."

The various subjects submitted to the committee, during the present session, have forced upon their consideration the present state of our Indian affairs, in its three principal relations—the organization of the department; the regulations of trade and intercourse; and the obligations of the United States to the emigrant tribes. These relations, though subjects of different bills, are intimately connected. They are parts of a system; and of a system which is, itself, also, intimately acquainted with the general legislation of the country. They have, therefore, deemed it proper to present, in the same report, their views on the subjects embraced in the several bills.

The committee are aware of the intrinsic difficulties of the subject—of providing a system of laws and of administration, simple and economical, and, at the same time, efficient and liberal—that shall be suited to the various conditions and relations of those for whose benefit it is intended; and that shall, with a due regard to the rights of our own citizens, meet the just expectations of the country in the fulfilment of its proper and assumed obligations to the Indian tribes. Yet, so manifestly defective and inadequate is our present system, that an immediate revision seems to be imperiously demanded. What is now proposed is only an approximation to a perfect system. Much is necessarily left for the present to Executive discretion, and still more to future legislation.

The Indian country, to which the bills reported refer, will include all the territory of the United States west of the Mississippi, not within Louisiana,

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Missouri, and Arkansas, and those portions east of that river, and not within the limits of any State, to which the Indian title is not extinguished. The Southern Indians are not embraced within it. Most of them have agreed to emigrate. To all their lands, with the exception of those of a part of a single tribe, the Indian title has been extinguished: and the States in which the Indians of that excepted tribe remain, have extended their laws over them. In this state of things, the committee, without inquiring whether the States have a right so to do, do not feel disposed, by any act of theirs, to raise up anew that subject of controversy. Their conviction is, that the remaining Indians, at the South, will find it for their best interests to join their brethren at the West. The well informed and intelligent of their nation must have seen that, involved as they are in the conflict that surrounds them, they cannot remain where they are as a nation: and that their future hopes, and even existence, are best consulted in not including their already allotted lands within the Indian country. In the position they are now placed, they can appeal, with stronger force, to the justice of the whole country, than if remaining in hostility to a portion of the States. All must now see and admit that the relations heretofore so much desired by the Indians and their friends, cannot be sustained in future, in their present situation. Whatever may be the wishes of the Government, and even whatever may be its rights, and physical power to enforce those rights, yet the attempt to enforce them might be attended with consequences not less disastrous to the Indians than to the harmony of the States. It belongs to another tribunal to decide the conditions on which they shall remove to the West. The committee, however, cannot forbear saying that the country expects these conditions shall be more than barely just, that they shall partake of liberality and even magnanimity, such as belong to parties placed on unequal terms.

The Indians, for whose protection these laws are proposed, consist of numerous tribes, scattered over an immense extent of country, of different languages, and partaking of all the forms of society in the progression from the savage to an approximation to the civilized. With the emigrant tribes we have treaties, imposing duties of a mixed character, recognising them in some sort as dependent tribes, and yet obligating ourselves to protect them, even against domestic strife, and necessarily retaining the power so to do. With other tribes we have general treaties of amity; and with a considerable number we have no treaties whatever. To most of the tribes with whom we have treaties, we have stipulated to pay annuities in various forms. The annexed tables (A, B, I, J, K, L) exhibit a condensed view of these relations, and will assist in determining the nature and extent of the legislation necessary for the Indian Department. These, though a part of the consideration of the cessions of land, are intended to promote their improvement and civilization, and which may now be considered as the leading principle of this branch of our legislation.

The committee will now proceed to submit their views in relation to the organization and administration of the Indian Department, and to the alterations proposed, in the order of the bills reported.

I. For the organization of the Indian Department.

The present organization of this department is of doubtful origin and authority. Its administration is expensive, inefficient, and irresponsible.

The committee have sought, in vain, for any lawful authority for the appointment of a majority of the agents and subagents of Indian affairs

now in office. For years, usage, rendered colorably lawful only by reference to indirect and equivocal legislation, has been the only sanction for their appointment. Our Indian relations commenced at an early period of the revolutionary war. What was necessary to be done, either for defence or conciliation, was done; and being necessary, no inquiry seems to have been made as to the authority under which it was done. This undefined state of things continued for nearly twenty years. Though some general regulations were enacted, the government of the department was chiefly left to Executive discretion. In the subsequent legislation, what was, in fact, mere usage, seems to have been taken as having been established by law. It does not appear that the origin or history of the department has ever attracted the attention of Congress. No report of its investigation is found in its records. In ascertaining the authority of the appointment of the officers in the department, the committee have referred to the acts of the Government. of which they will now present a brief history, and which, it is believed, will fully sustain the position that a majority of the agents and subagents of Indian affairs have been appointed without lawful authority. This position is not taken with a view to put any particular administration in fault, for it applies to every administration for the last thirty years.

By an ordinance of Congress of the 12th July, 1775, the Indian country was divided into three departments, and *commissioners of Indian affairs* were appointed for each department, who were authorized to appoint *agents, residing near or among the Indians, to watch the conduct of the (Kings) superintendents, and their emissaries.*

By an ordinance of the 27th January, 1776, the commissioners were authorized to license Indian traders, and by an ordinance of the 29th April, 1776, the same power is recognised in the *agents* appointed by them.

The 9th article of the confederation of 1777 gave to Congress the sole and exclusive right of regulating the tradé, and managing all affairs with the Indians.

By an ordinance of the 7th of August, 1786, the Indian Department was divided into two districts, the southern and the northern. A *superintendent of Indian affairs* for each district was appointed, to hold the office for two years; and the superintendent of the northern district was authorized to appoint *two deputies.* It was made their duty to attend to the execution of such regulations as Congress should, from time to time, establish respecting Indian affairs; and, in particular, to license Indian traders.

This ordinance gave no power to the superintendents to appoint *agents* for Indian affairs.

The superintendents are subsequently called *superintendents of Indian affairs for the departments.* (Ordinance of 21st July, 1787.)

As no provision was made for the appointment of *agents*, it is probable they were appointed by the superintendents, as the successors of the commissioners. The destruction of the records of the War Department, leaves this part of the subject in uncertainty. All that can be ascertained is, that the expenditures were considerably more than the amount of the salaries of the superintendents.

The first and eighth articles of the constitution give Congress power to regulate commerce with the Indian tribes, and to make all needful rules and regulations respecting the territory belonging to the United States.

The acts of 22d of July, 1790 and 1st March, 1793, to regulate trade and intercourse with the Indian tribes, recognise the superintendents of the departments as officers, (under the ordinance of 1786,) and authorize the President to appoint *other persons*, who, with the superintendents, are empowered *to license* Indian traders.

The 7th section of the act of 1793 prohibits *agents*, superintendents, and all other persons authorized to grant licenses, from being interested in the Indian trade. The 11th section of the act of 1796 contains the same reference to *agents* as having authority to grant licenses. The authority to appoint such agents, if they had any other power than to grant trading licenses, must refer to the ordinance of 1775; and this reference may confirm the supposition that the superintendents continued to exercise the power, granted to the commissioners by that ordinance, of appointing *agents*.

The act of 18th April, 1796, authorized the President to establish Indian trading houses, and to appoint *an agent* for each *trading house*.

The intercourse act of 19th May, 1796, gives the power of granting licenses to Indian traders, to the superintendents of the departments, or to such persons as the President shall appoint for that purpose; and it will be found that, in the subsequent legislation up to 1822, the *agencies* for *Indian affairs*, and the *agencies* for *Indian trade*, have been separate and independent of each other, and that no power to appoint *agents* of *Indian affairs* can be derived from the acts relating to the trading house establishment.

The 13th section of the intercourse act of the 30th March, 1802, provides "that, in order to promote civilization among the friendly tribes, and to secure the continuance of their friendship, it shall be lawful for the President of the United States to cause them to be furnished with useful animals and implements of husbandry, and with goods or money, as he shall judge proper, and to appoint such persons, *from time to time, as temporary agents* to reside among the Indians, as he shall think fit, provided the *whole* amount of such *presents and allowances* to such agents *shall not exceed fifteen thousand dollars*." It is obvious to the committee, from the terms used, indicating that the appointments were to be only *occasional* and for *temporary* purposes; and also from the *limited* amount of the appropriation for *both objects*, that the Legislature could not have intended by that act to authorize an *extensive* establishment of *permanent agents*, with fixed annual salaries, far exceeding in amount the sum allowed for both objects.

At this time there were three agents authorized by treaties (besides others appointed by the Executive) as permanent agents of Indian affairs. No one, therefore, at that time could have supposed that agents of that character could have been contemplated by the terms of description used in the act of 1802, "temporary agents," "appointed from time to time," &c.

The history of this act will, it is believed, sustain the construction given by the committee.

The treaty with the Creeks of the 7th August, 1790, contains the following article: "Art. 12. That the Creek nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will, from time to time, furnish gratuitously the said nation with useful domestic animals and implements of husbandry. And further to assist the said nation in so de-

sirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such and so many persons to reside in said nation as they may judge proper, and not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned them by the Creeks for cultivation, for themselves and their successors in office; but shall be precluded exercising any kind of traffic." The like article is inserted in the Cherokee treaty of the 2d July, 1791.

This article, so far as it provides for agents, provides for *permanent* agents. The *articles* are to be furnished from *time to time;* but the agents are to be appointed not *from time to time,* as the distribution of presents shall require as mere *temporary* agents, but are "*to have lands assigned them for cultivation, for themselves and their successors in office.*"

The treaty with the Five Nations of the 23d April, 1792, contains the following article: "The United States, in order to promote the happiness of the Five Nations, will cause to be expended annually the amount of one thousand five hundred dollars (increased by the treaty of 11th November, 1794, to $4,500) in purchasing for them clothing, domestic animals, and implements of husbandry, and for encouraging useful artificers to reside among them."

These treaties are evidence of the then existing policy of the Government in distributing presents to the Indians, with a view of their civilization, and the two first establish permanent agents (in connexion with the same objects) in the two principal tribes, where they were deemed necessary; the last treaty established no agency, because no permanent agency was necessary.

The act of the 22d July, 1790, the first intercourse act, contains no provision of any kind for the appointment of an agent. The appointment of the Creek and Cherokee agents was founded on the authority of the treaties. Under this state of things, the act of the 1st March, 1793, was passed. That act contained, in the very words, the 13th section of the act of 30th March, 1802; and this act of 1802 must now receive the same construction in reference to permanent agencies, that the act of 1793 required in relation to the permanent Creek and Cherokee agencies. It was not competent for an act of Congress to alter the stipulations of the treaty or to change the character of the agents appointed under it. Nor does it purport to do it, but expressly provides for the appointment *from time to time* (not of the furnishing of presents) of *temporary* agents; not as having *successors in office,* as under the treaties, nor as having *land* assigned them *for cultivation, for themselves and their successors in office.*

The appropriate office of the act of 1793 was to extend the policy of making presents to tribes other than those provided for by treaties, and to limit the amount of expenditures under such extension.

The act of 1796 reduced the appropriation from $20,000 to $15,000. At that time the Five Nations were entitled to receive $4,500; and if to this the presents to be furnished to the Creeks and Cherokees were to be added, and the gross amount deducted from the $15,000, but little would be left for the presents and the temporary agents. This cannot, however, be ascertained, as the expenditures for all objects were paid out of the general appropriation "for the Indian Department." (H.) Whatever might be the amount of the expenditures authorized by the treaties and the act, or whatever might be the character of the agents, perma-

nent or temporary, the authority to appoint them was limited by the amount of the appropriation.

It appears (C) that some of the agents appointed before 1793 continued to hold their offices for years after, without a new appointment. The inference is, that as the act does not take away any power of appointment, then supposed to exist, they held over under the ordinances as continuing in force, and that, on the confusion of the powers assumed from the ordinances and the act of 1793, the usage of appointing agents and subagents seems to have been founded.

The act of 21st April, 1806, for establishing trading houses with the Indian tribes, authorized the President to appoint a superintendent of Indian trade, and *an agent* for *each trading house*, and (by the subsequent act, 2d March, 1811,) *assistant agents* of Indian trading houses.

On the organization of the several Territories, the office of Superintenden of Indian Affairs of the departments created by the ordinance of 1786, was annexed to the office of Governor, &c. Thus, on the organization of the Mississippi Territory, (7th April, 1798,) it was provided "that the powers, duties, and emoluments of a superintendent of Indian affairs for the southern department shall be united with those of Governor," &c.

No further legislation in relation to Indian affairs was had until 1818. At this date the only officers in the Indian Department, established by direct legislation, were superintendents, appointed under the ordinance of 1786, and those who were such by being Governors of the Territories, and the *agents* for Indian affairs, authorized by treaties, of whom there were three:

An agent to the Cherokees, east,	by	treaty of 2d October, 1798.	
Creeks,	do	do	do do
Cherokees, west,	do	8th July, 1817.	

The first subagency named in terms was established by the act of 25th May, 1824.

In the trading house establishment the officers (in 1818) were, a superintendent of Indian trade, and agents and assistant agents of Indian trading houses, sometimes (as in the act of 16th April, 1818) called factors and sub-factors.

In the mean time an extensive establishment had grown up under Executive patronage. The appropriation for Indian expenditures was general; and under it the whole subject of the organization of the Indian Department passed on in silence, and almost in secrecy, until 1818. At this time there were in fact fifteen agencies and ten subagencies. (D.)

The appointment of all officers, by the constitution, was vested in the President and Senate; and it seems to have been the sole object of the act of the 16th April, 1818, to bring back the appointment to the appropriate authority. It enacts "that the superintendent of Indian trade, the agents and assistant agents of Indian trading houses, and the several agents of Indian affairs, shall be nominated by the President of the United States, and appointed by and with the advice and consent of the Senate," and "*that from and after the eighteenth instant, no person shall* act in either of the characters aforesaid, *who shall not have been thus first nominated and appointed.*" This act did not establish agencies. It did not create the office of Indian agent, but merely directed and restricted the mode of appointment. If it could be considered as creating the office, the power was unlimited, and would authorize the appointing any number of agents;

and as the appropriations were then made, their salaries would be subject to the sole power of the Executive. This act, however, may be considered as contemporaneous with the act of 20th April, 1818, fixing the compensation of the then fifteen agents, and as referring to those particular agencies.

These acts were passed with reference to the existing state of things, without inquiring whether these agencies had been previously established by law. The committee consider this as indirect, and, therefore, vicious legislation. A recognition of the exercise of power without right is usually followed by the claim of the right; and such seems to have been the consequence in this instance. Indian agencies have been created by the power of appointment; and so long has this power been exercised, that for years no examination has been made respecting its legality.

If, however, these acts, and the long usage of the Executive, should be considered as then establishing the agencies named in the second act, they, by consequence, establish the principle that a legislative act, fixing the salaries, was necessary to establish all subsequent agencies.

The term subagent, as descriptive of an officer of the Government, is, for the first time, to be found in the act of the 20th April, 1818, where, to each, is allowed a salary of five hundred dollars. In the act of the 16th April no provision is made for their appointment; and, of course, it would be where the constitution placed it, unless the appointments are authorized by the act of 1802.

Since 1822, when the trading house system was abolished, the appropriations for the payments of the agents and subagents have been in the general form "for pay of the several Indian agents as allowed by law;" "for pay of the subagents as allowed by law." The appropriation bills, like the bills of the 16th and 20th of April, 1818, take it for granted that agencies have been established by law, but do not establish them.

The report of the Secretary of War (Document No. 60) will show the agencies and subagencies now existing, and the sources of authority claimed to justify the appointments. It also exhibits the entire organization of the Indian Department.

That report does not refer to the acts of 1818, as creating agencies, but as directing the manner of appointments, and fixing the salaries of the particular agents named. It refers to the act of 1802 as the general authority, and to particular acts and treaties for special cases.

Of the eighteen Indian agents now in office, nine are referred to the act of 1802. To these should be added the Chickasaw agent, (the act of 1793 being identical with that of 1802,) and the Cherokee agent west, (the treaty of July 8, 1817, referred to, authorizing only a commission to take the census,) making eleven assumed to be authorized by the act of 1802.

For five of these agents the committee have not been able to discover that salaries have been authorized by any law, viz.

Of the agent to the Caddoes,	(salary paid,)	$1,200
Choctaws, west,	do.	1,500
Creeks, west,	do.	1,500
Kansas,	do.	1,000
Sacs and Foxes,	do.	1,200

Of the twenty-seven subagents, twenty-one are referred to the act of 1802, and the residue to special acts and treaties.

The committee submit these views to the judgment of the House. They cannot, however, forbear expressing an opinion that it is time that, on a

subject of so much importance, the legislation of Congress should be direct; and that the creation of offices, and the fixing their salaries, should not be left to Executive discretion or to legislative implication.

It is proposed to continue the offices of superintendents, agents, and subagents of Indian affairs, but with a modification and extension of their powers, deemed necessary to secure a more perfect official responsibility, and to afford adequate protection to the Indians.

The tribes are placed at too great a distance from the Government to enable them to make their complaints against the arbitrary acts of our agents heard; and it is believed they have had much cause of complaint. Hitherto they have suffered in silence. The agents, being subject to no immediate control, have acted under scarcely any other responsibility than that of accountability for moneys received. Although much is expected from the personal character of the agents, yet it is not deemed safe to depend entirely upon it. The superintendents are, therefore, authorized to exercise a general supervision and control over the official conduct of the agents and subagents, and to suspend them from office for malconduct, reporting their reasons therefor to the President.

The duties of agents and subagents will be of the same character, but of different extent; each is to be assigned to a distinct district, and will act independent of the other. The term subagent is retained merely for convenience, to designate a class of agents whose appointments and salaries are different from those of the agents.

It is proposed to abolish the superintendencies of Florida and Arkansas, and to transfer that of Michigan to the Governor of Huron, when that Territory shall be established. A superintendency for the Western Indians is continued, and for the present at St. Louis.

The bill establishes certain specified agencies, provides for the appointment of the agents, and fixes their salaries. A part of these agents are to be discontinued at specified periods; and others, when either not necessary, or when their duties can be performed by subagents, at the pleasure of the Executive. All agencies other than those provided for are abolished, and none can in future be established without the sanction of Congress.

It is believed to be time that the conduct of all the agents and subagents should again be brought in review before the appointing power. It is proposed, therefore, that the term of office of the present incumbents shall expire on the 4th of March next, and that in future the agents shall be appointed for four years.

The appointment of subagents, as well as the establishment of subagencies, is referred to the Executive. In the present unsettled state of our relations with many of the Western tribes, it would be difficult now to limit their number. Hereafter, when those relations become more fixed and certain, it may be the subject of further legislation.

It is proposed to raise the salaries of the subagents from five hundred to seven hundred and fifty dollars. Their duties are to be of the same character as those of agents; their responsibility is increased; they are required to give bonds; they are not to be appointed within the limits of an agency; and in all cases where the duties to be performed are only temporary, the President may direct those duties to be performed by a designated officer, without any additional compensation other than his travelling expenses. For some of the present agencies, (other than those proposed to be discontinued,) a subagency may hereafter be substituted.

This branch of the department being now to be thus reorganized, it is deemed necessary for the public service that the salaries of the subagents should be raised.

It is proposed to reduce the number and the salaries of interpreters, and to provide that no person shall receive the salary of more than one office in the Indian Department at the same time; and that no person shall receive a salary when absent from his duty. In relation to interpreters, it is supposed that there are many more, who are now competent to the duty, than formerly; and that there will be no difficulty, as the services are occasional only, in procuring them at the salary proposed.

The power given to the President to appoint military officers to perform the duties of agents will, it is hoped, enable the Government to lessen the number of agents and subagents, and to dispense with the agents of subsistence, and disbursing agents and their assistants, other than military officers.

The subject of contingencies has not escaped the attention of the committee. There is no portion of the public expenditures so much out of sight and out of mind. With a view to lessen this branch of expenditure, the bill provides that the salaries of the officers and persons employed, shall be in full of all allowances, except the contingent expenses of offices, and travelling expenses when on extra duty: and that an account of these contingencies shall annually be laid before Congress. The tables (E, F, G) will enable the House to compare the present expenditures with those that will occur under the bill proposed, in respect to superintendents, agents, subagents, and interpreters, and of other expenditures in the department.

On an inspection of the tables, it will appear that the salaries of some of the existing agents are lessened, while others are increased. It will be found difficult to scale salaries to the exact amount of duty required; and the more so, when the amount of those duties, from their very nature, cannot be precisely ascertained. The President is authorized to require any duty, in relation to the Indian Department, to be performed by the agent, and thus to dispense with special agents. It is believed that the sum allowed is sufficient in all cases; and that in some of the agencies where a less salary was allowed, the agency may be changed to a subagency.

In the course of their investigations, the committee have become satisfied that much injustice has been done to the Indians in the payment of their annuities. The payments are required, by the terms of the treaties, to be paid to the tribe as a political body capable of acting as a nation; and it would seem, as a necessary consequence, that the payments should be made to the constituted authorities of the tribe. If those authorities distribute the annuities thus paid with a partial hand, they alone are responsible. If injustice shall be done, we are not the instruments; we have discharged our obligation. With what propriety can our Government undertake to apportion the annuities among the individuals of the tribes? And in what manner can it be done, with safety or convenience? If distributed to heads of families in proportion to the number of each family, it would require an annual enumeration, or a register of the changes. If paid to the individuals at their residencies, it would be troublesome and expensive; if the individuals were required to travel to the agency, to receive the pittance of their share, to many it would not be worth going for. What security can be given against the frauds of the agents? What vouchers

shall he produce to account for the payments? The payment to the chiefs is a mode simple and certain, and the only mode that will render the annuities beneficial to the tribe, by enabling it to apply them to the expenses of their Government, to the purpose of education, or to some object of general concern. When distributed to individuals, the amount is too small to be relied on as a support, yet sufficiently large to induce them to forego the labor necessary to procure their supplies. And it is found that those are the most industrious and thrifty who have no such aid.

Individual payments were introduced probably with a view to induce emigration, by paying those who choose to emigrate their supposed share of the annuity. Whatever may have been the policy which gave rise to it, neither policy nor justice requires its continuance.

With a view to prevent frauds of another kind, in reference principally to the payment of goods, the President is authorized to appoint an officer of rank to superintend the payment of annuities. This, and the provision relating to the purchase of goods for the Indians, will place sufficient guards to prevent fraudulent payments.

The committee have reason to believe abuses have existed in relation to the supply of goods for presents at the making of treaties, or to fulfil treaty stipulations. Those for presents are at the loss of the Government. Those under treaty stipulations are at the loss of the Indians. The goods for presents have been usually furnished by the Indian traders, and at an advance of from 60 to 100 per cent. This the Government has been obliged to submit to, or the trader will make use of his influence to prevent a treaty. Should this in future be attempted, the Government will now have a sufficient remedy by revoking the license. The goods furnished under treaties have been charged at (what has been represented as a moderate rate) an advance of 50 per cent., and at that rate delivered to the Indians. It is now provided that the goods in both cases are to be purchased by an agent of the Government; and where there is time (as in case of goods purchased under treaties) they are to be purchased on proposals based on previous notice.

II. To regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontier.

This act is intended to apply to the whole Indian country, as defined in the first section. On the west side of the Mississippi its limits can only be changed by a legislative act; on the east side of that river it will continue to embrace only those sections of country not within any State to which the Indian title shall not be extinguished. The effect of the extinguishment of the Indian title to any portion of it, will be the exclusion of such portion from the Indian country. The limits of the Indian country will thus be rendered at all times obvious and certain. By the intercourse act of 1802, the boundary of the Indian country was a line of metes and bounds, variable from time to time by treaties. And, from the multiplicity of those treaties, it is now somewhat difficult to ascertain what, at any given period, was the boundary or extent of the Indian country.

The constitutional power "to regulate commerce with the Indian tribes," and "to make all needful rules and regulations respecting the territory of the United States," has been executed, until within a few years, under a policy almost entirely political, and somewhat partial. The influence over the Indians acquired by foreign nations, through their commercial intercourse, could only be met and countervailed by the same means. The time

has been when conciliation was sought; but the time is now passed when the fear of Indian hostility should be a leading feature of our Indian intercourse. Our relation to them is now that of the strong to the weak, and demands at our hands a more liberal policy, as well directed to promote their welfare as our political interests.

Other nations have excluded foreigners from trade and intercourse with the Indians within their territories. We have adopted the same policy as the only one safe for us, or beneficial to the Indians. The provision is therefore continued, that no foreigner shall enter the Indian country without a passport. But it is not deemed necessary that all the restrictions of the former laws as to our own citizens should be retained. Of them, as mere travellers in or through the Indian country, we ought not to have the same, or even any jealousy. And so frequent and necessary are the occasions of our citizens to pass into the Indian country, that of them no passports will be required for such objects. Such has been the inconvenience of obtaining passports, that, for years, the provision in the act of 1802, requiring them, has been a dead letter. If, however, our citizens desire *to trade* or *to reside* in the Indian country for any purpose whatever, a license for that particular purpose is required.

The Indian trade, as heretofore, will continue to be carried on by licensed traders. The Indians do not meet the traders on equal terms, and no doubt have much reason to complain of fraud and imposition. Some further provision seems necessary for their protection. Heretofore, it has been considered that every person (whatever might be his character) was entitled to a license on offering his bond. It has been the source of much complaint with the Indians. Power is now given to refuse licenses to persons of bad character, and for a more general reason, "that it would be improper to permit such persons to reside in the Indian country;" and to revoke licenses for the same reasons. The committee are aware that this is granting an extensive power to the agents, and which may be liable to abuse: yet, when it is recollected that the distance from the Government at which the traders reside, will prevent a previous consultation with the head of the department; that what is necessary to be done should be done promptly; that the agents act under an official responsibility; that they are required to assign the reasons of their conduct to the War Department; that an appeal is given to the party injured; and that the dismissal of the agent would be the consequence of a wanton act of injustice, the rights of the traders will be found as well secured as is compatible with the security of the Indians.

The report of the commissioners, appended to this report, contains a detailed statement of the exorbitant prices demanded by the Indian traders. As a remedy in part, they recommend, first, a substitution of goods for money in the payment of annuities. This suggestion has been adopted so far as to authorize it to be done by the consent of the tribe. In addition to the direct benefit, it will furnish them with something like a standard of the value of goods, and enable them to deal on more equal terms with the Indian traders. The second suggestion is, that Government should in some way provide goods at costs and charges beyond their annuities, or that private associations should do it under the direction of the department. The latter may at all times have been done, under the licensed trade. But it is believed that no association would, as a charity, enter into a trade of this character. The proposition to return in any form to the trading house establishment, is not favorably entertained by the committee.

As has been already remarked, the policy which induced the establishment of the trading house system no longer exists. A brief review of its history and results, it is thought, will satisfy the House of its impolicy and inefficiency in every point of view.

It commenced in 1776; we had then no Indian trade. To conciliate the Indians, the Government ordered £40,000 worth of goods to be purchased, to be sold to licensed traders, who were "to dispose of them at such stated reasonable prices as should be fixed and ascertained by the commissioners;" and who "should allow to Indians a reasonable price for their skins and furs, and take no unjust advantage of their distress and intemperance;" and this formed a part of the condition of their bonds. However well intended, it would seem very difficult to enforce such provisions. Without any agents to overlook the traders, they of course would be the sole witnesses of their own dealings; and even though they should have conformed themselves to the *reasonable* prices limited, yet they would be the sole judges of the reasonableness of the prices allowed for what they receive in payment.

In the treaties with the Delaware tribe of 17th Sept. 1778, it is stipulated that the Delaware nation should be supplied with goods from time to time, "as far as the United States may have it in their power, by a well regulated trade, under the conduct of an intelligent agent, with an adequate salary, one more influenced by the love of his country, and a constant attention to the duties of his department, by promoting the common interest, than the sinister purpose of binding all the duties of his office to his own interest."

In 1795, $50,000 was appropriated "for the purchase of goods for supplying the Indians;" "the sale of such goods to be made under the direction of the President of the United States."

In 1796, the trading house system was established, which was continued until 1822. Under this system the Government furnished the capital and managed the trade entirely on its own account, "according to such rules and orders as the President should prescribe." The trading houses and the agents were established by the President. The agents were required to transmit their accounts to the Treasury semi-annually.

An annual appropriation of eight thousand dollars was at first made, for the purpose of paying the agents and clerks, and the sum of one hundred and fifty thousand dollars was granted as the capital to be employed in the Indian trade, which by subsequent acts was increased. During the twenty-six years that this system was continued, the Government paid for the salaries of the agents from 1796 to 1810, inclusive, estimated at $208,220

From 1811 to 1822, inclusive, (M) - - - -		204,989
		413,209
For capital stock, (N) - - - -	$290,000 00	
Deducting receipts and debts uncollected, -	167,853 76	
Loss on capital stock, at least, - - - - -		122,147
Showing a total loss of - - - - - - -		$535,356

During this period, Indian traders continued to be licensed, and supplied a large share of the Indian trade. The number of Government trading

houses in 1822 was only nine, while the number of the licensed traders was one hundred and twenty-six. The expense of the system alone would be a sufficient objection to its re-establishment. If the expense of its agencies were to be charged in the price of the goods, it would afford no relief to the Indians.

The reasonableness of prices must be left to depend on the competition of trade, and the character of the Indian traders. The provisions in relation to the latter have been already stated. It is believed that it would be neither safe nor practicable to authorize agents to fix a tariff of prices in the various stations of trade; such a regulation could be but partially executed. The general power to revoke licenses for fraudulent practices is deemed more efficient.

To prevent the introduction and manufacture of ardent spirits, authority is given for the destruction of the article where found, and of distilleries erected in the Indian country, by *whomsoever* erected or continued, to be enforced in *every portion* of the Indian country.

In relation to Indian depredations, an express provision carries into effect what is believed to be the true construction of the 14th section of the act of 1802, guarantying to the party injured an indemnity, whether annuities are payable or not. A proviso is added for the protection of the Treasury, that the claim shall be presented within three years; and to facilitate taking the proofs, the agents &c. are authorized to administer oaths to witnesses.

Complaints have been made by Indians that they are not admitted to testify as witnesses; and it is understood that they are in some of the States excluded by law. Those laws, however, do not bind the courts or tribunals of the United States. The committee have made no provision on the subject, believing that none is necessary: that the rules of law are sufficient, if properly applied, to remove every ground of complaint.

In consequence of the change in our Indian relations, the laws relating to crimes committed in the Indian country, and to the tribunals before whom offenders are to be tried, require revision. By the act of 3d March, 1817, the criminal laws of the United States were extended to *all persons* in the Indian country, without exception, and by that act, as well as that of 30th March, 1802, they might be tried wherever apprehended. It will be seen that we cannot, consistently with the provisions of some our treaties, and of the territorial act, extend our criminal laws to offences committed by or against Indians, of which the tribes have exclusive jurisdiction; and it is rather of courtesy than of right that we undertake to punish crimes committed in that territory by and against our own citizens. And this provision is retained principally on the ground that it may be unsafe to trust to Indian law in the early stages of their Government. It is not perceived that we can with any justice or propriety extend our laws to offences committed by Indians against Indians, *at any place* within their own limits.

Some doubts have been suggested as to the constitutionality of so much of these acts as provides for the trial of offenders wherever apprehended: without expressing any opinion on that subject, it is thought that provisions more convenient to all parties, and at the same time free from all constitutional doubts, might be adopted. And for this end it is proposed, *for the sole purpose of executing this act,* to annex the Indian country to the

judicial districts of the adjoining Territories and States. This is done principally with a view to offences that are to be prosecuted by indictment. In all cases of offences, when the punishment, by former laws, was fine or imprisonment, the imprisonment is now omitted, leaving the penalty to be recovered in an action of debt, prosecuted in any district where the offender may be found.

To facilitate the negotiations of treaties, it is deemed absolutely necessary that the commissioners should have power to control or remove all white persons who may attempt to prevent or impede the negotiations, and that they should have, if necessary, the aid of a military force.

III. To provide for the establishment of the Western Territory, and for the security and protection of the emigrant and other Indian tribes therein.

Whatever difference of opinion may heretofore have existed, the policy of the Government, in regard to the future condition of these tribes of Indians, may now be regarded as definitively settled. To induce them to remove west of the Mississippi, to a territory set apart and dedicated to their use and Government forever; to secure to them there a final home; to elevate their intellectual, moral, and civil condition, and to fit them for the enjoyment of the blessings of a free Government, is that policy. And a further hope is now encouraged, that whenever their advance in civilization should warrant the measure, and they desire it, that they may be admitted as a State to become a member of the Union.

To carry that policy into effect is the object of this bill.

The committee will now refer to the acts of the Government by which that policy was established, and the faith of the nation pledged to carry it into execution.

The project for removing the Eastern Indians west of the Mississippi, may be referred for its origin to a proposition of a part of the Cherokee tribe in 1803, "to remove across the Mississippi river on some vacant lands of the United States," and there "to continue *the hunter life*," in consequence of which, in 1817, they exchanged their lands east for lands west of that river.

The Choctaw treaty of 1820, made "to promote the civilization of the *east* Choctaw Indians by the establishment of schools among them, and to perpetuate them as a nation, by exchanging for a small part of their land a country beyond the Mississippi river, *where all who live by hunting, and will not work, may be collected together*," grants them a tract of land west of the river for that purpose. Neither of these cessions looked to the civilization of the Indians west of the Mississippi; and it is worthy of remark, that this emigration, for the purpose of continuing the *hunter* life, has, contrary to all thought or expectation, laid the foundation for Indian civilization; those who were thus sent off, having far outstripped those they left behind in the arts of civilization and in the comforts of life.

In 1825 the plan for the removal and civilization of the Indian tribes was officially pressed on the attention of Congress by the President's (Mr. Monroe's) message, and the report of the Secretary of War (Mr. Calhoun) of that year. The plan then proposed was "to acquire a sufficient tract of country west of the State of Missouri and Territory of Arkansas, in order to establish permanent settlements in that quarter of the tribes which were proposed to be removed. To give them "the strongest and most solemn assurances that the country given them should be

theirs as a permanent home for themselves and their posterity, without being disturbed by the encroachments of our citizens." "To add to such assurances a system, by which the Government, without destroying their independence, would gradually unite the several tribes under a simple but enlightened system of Government and laws."

In 1826, the Committee on Indian Affairs reported a bill (S,) in accordance with the views of the Secretary of War, (Mr. Barbour.) This bill proposed to establish a territorial Government, under the jurisdiction and laws of the United States; not an Indian Government.

This bill, however, was not acted on by the House. nor was there any act indicating the form of the Government to be established, or the nature of the obligations that should be assumed by the United States until 1828.

The treaty with the Cherokees of the 6th of May, 1828, is the first act that restricted the power of the Government, and imposed on it the obligations on which our present policy has grown up. The preamble recites, "whereas, it being the anxious desire of the Government of the United States to secure to the Cherokee nation of Indians, as well those now living in the Territory of Arkansas, as those of their friends and brothers who may reside in States east of the Mississippi, and who may wish to join their brothers in the West, a *permanent* home, and which shall, under the most solemn guaranty of the United States, be and remain theirs forever—a home that shall never in all future time be embarrassed by having around it the lines, or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension in any way of any of the limits of our existing territory."

By the 2d article, "the United States agree to possess the Cherokees, and to guaranty it to them forever," (7,000,000 of acres, bounded, &c.) and, "in addition to the 7,000,000 of acres thus granted, the United States further guaranty to the Cherokee nation a perpetual outlet to the West, and a free and unmolested use of all the country lying west of the western boundary of the above described limits, and as far west as the sovereignty of the United States and their right of soil extend." By the 6th article, "it is moreover agreed by the United States, whenever the Cherokees may desire it, to give them a set of plain laws, suited to their condition."

The President (Jackson) in his message to Congress of the 8th of December, 1829, after recommending the removal of the Indians, proceeds to say, "as a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or Territory now formed, to be guarantied to the Indian tribes as long as they shall occupy it; each tribe having a distinct control over the portion designed for its use. There they may be secured in Governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier, and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization, and by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this Government."

In pursuance of this recommendation, the act of the 30th May, 1830, to provide "for an exchange of lands with the Indians residing in any of the States or Territories," and "for their removal west of the Mississippi," enacts "that, in the making of any such exchange or exchanges, it shall

and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, their heirs or successors, the country so exchanged with them, and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same : *Provided, always,* That such lands shall revert to the United States if the Indians become extinct, or abandon the same." "That it shall and may be lawful for the President to cause such tribe or nation to be protected at their new residence against all interruption and disturbance from any other tribe or nation of Indians, or from any other person or persons whatever." "And that it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence : *Provided,* That nothing in this act shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes."

Since this act several treaties have been concluded with emigrating tribes. The committee will only notice two of them in reference to our existing relations.

By the Choctaw treaty of 27th September, 1830, it is stipulated that "the United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw nation a tract of country west of the Mississippi river, in fee simple, to them and their descendants, to enure to them while they shall exist as a nation, and live on it, beginning," &c. "That the Government and people of the United States are hereby obliged to secure to said Choctaw nation of red people the jurisdiction and Government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw nation of red people, and their descendants, and that no part of the land granted them shall ever be embraced in any Territory or State ; but the United States shall forever secure said Choctaw nation from and against all laws except such as from time to time may be enacted in their own national councils, not inconsistent with the constitution, treaties, and laws of the United States : and except such as may, and which have been enacted by Congress to the extent that Congress under the constitution is required to exercise a legislation over Indian affairs." But the Choctaws "express a wish that Congress may grant to the Choctaws the right of punishing, by their own laws, any white man who shall come into their nation, and infringe any of their national regulations." And "the United States are obliged to protect the Choctaws from domestic strife and foreign enemies, on the same principles that the citizens of the United States are protected," &c.

By the Creek treaty of the 24th March, 1832, it is stipulated that "the Creek country west of the Mississippi shall be solemnly guarantied to the Creek Indians, nor shall any State or Territory ever have a right to pass laws for the government of such Indians, but they shall be allowed to govern themselves, so far as may be compatible, with the general jurisdiction which Congress may think proper to exercise over them. And the United States will also defend them from all unjust hostilities of other Indians, and will also, as soon as the boundaries of the Creek country west of the Mississippi are ascertained, cause a patent or grant to be

executed to the Creek tribe agreeably to the third section of the act of Congress of May 2, 1830."

From these acts and treaties result the rights, the duties, and the powers of the parties. The rights of the Indians are, to be secured in the possession of their lands, and in the exercise of self-government. The obligations of the United States are correlative, to secure them in the title and possession of their lands, in the exercise of self-government, and to defend them from domestic strife and foreign enemies: and powers adequate to the fulfilment of those obligations are necessarily reserved. And further, by those treaties Congress expressly reserves the power (and which they could not surrender) to legislate over the Indian country, so far as the constitution requires them to do, viz. for the regulation of commerce with the Indian tribes. Under this power the laws on that subject are extended over the Western Territory. Under the power to dispose of the territory of the United States, these grants have been made, and the Western Territory is now to be dedicated to the use of the Indians, and right of self-government secured to the tribes.

It is taken for granted that all the tribes that shall inhabit the Western Territory will be eventually placed on an equality, in respect to their civil and political rights.

To secure to them the full enjoyment of these rights, is now the duty of this Government. On the part of the United States, their obligations are onerous and expensive; and they can have no interest or object in continuing to exercise any power whatever in the Western Territory when it shall be rendered unnecessary. And they look forward with solicitude to the time when the Indians, by their numbers, their wealth, and intelligence, shall no longer need the protection of this Government.

The committee will now present to the House some brief remarks on the details of the bill; not so much with a view to enlighten the judgment of the House, as to prevent their being misunderstood by those for whose benefit they are intended.

The Western Territory will be bounded on the east by Arkansas and Missouri, on the north by the La Platte, and west and south by the Mexican possessions; to the whole of it the original Indian title has been extinguished; and the tribes now within it derive their title from the United States. It is believed to be more than sufficient for them, and for those who have agreed to emigrate to it. It contains an area of 132,295,680 acres, of which only 61,830,000 acres have been assigned to the occupant tribes, (R.) The soil and climate are all that can be desired, to reward industry, and to prolong life.

A number of tribes north of the La Platte have expressed a desire to become members of the Indian confederacy, (appendix to T.) The committee, however, are of opinion that the territory is, at present, sufficiently large, and that its future extension, or the formation of another territory north of the La Platte, should be left to future legislation.

The lands between the west line of the State of Missouri and the Missouri are not included within the Western Territory. It will be obvious, from an inspection of the map (U,) that an outlet through those lands will be necessary to the people of Missouri; and that their convenience will require an extension of their western boundary to that river.

This territory is to be dedicated to the use of the Indian tribes forever,

by a guaranty the most sacred known among civilized communities—*the faith of the nation.* The committee are aware that this guaranty *the faith of the nation* has not been illustrated by the history of the past, in a manner satisfactory to the Indian tribes. They are not surprised that they should now ask, "what new security can you give us to the lands in the West, that you did not, in times past, give us to our lands in the East?"

It is admitted that we have given them guaranties which we have not fulfilled, pledges which we have not redeemed; not because we desired not to fulfil them, but because it was believed by the Government that we had no right, originally, to give them, and therefore had no power to redeem them. The Indians, however, will do us the justice to say that we never held ourselves absolved from the obligations of indemnifying them, and of acknowledging that these very cessions of lands at the West are a portion of the indemnity. Our inability to perform our treaty guaranties arose from the conflicts between the rights of the States and of the United States. Nor is it surprising that questions, arising out of such a conflict, which have bewildered wiser heads, should not be readily comprehended or appreciated by the unlettered Indians.

The case is now free from all the embarrassments of conflicting rights. The guaranty now stands as an obligation which the Government will at all future time have power to perform; we can look around it, there is no doubt, no obscurity about it; even to the Indian eye it is as clear and well defined as the edge of the circle of the sun. The United States extinguished the Indian title to the Western Territory; that territory then became their absolute property. By the constitution, Congress has an unqualified power to dispose of the territory belonging to the United States; and now Congress proposes, by charters, to grant and apportion this territory among the Indian tribes. The United States and the Indian tribes are the sole parties.

The right of self-government is secured to each tribe, with jurisdiction over all persons and property within its limits, subject to certain exceptions, founded on principles somewhat analogous to the international laws among civilized nations.

Officers, and persons in the service of the United States, and persons required to reside in the Indian country by treaty stipulations, must necessarily be placed under the protection, and subject to the laws of the United States. To persons merely travelling in the Indian country the same protection is extended. The want of fixed laws, of competent tribunals of justice, which must for some time continue in the Indian country, absolutely requires for the peace of both sides that this protection should be extended. Some provision, however, seems necessary to prevent the violation of the laws of the tribes, when such violation would not be an infringement of the laws of the United States. For this purpose power is given to the Governor to remove offenders from their limits; and for offences against the laws of the United States, to secure and remove them for trial.

As to those persons not required to reside in the Indian country, who voluntarily go there to reside, they must be considered as voluntarily submitting themselves to the laws of the tribes.

There is one other exception necessary to preserve peace among the tribes, and a good understanding with the bordering States. A right is

reserved to the Governor to reprieve, and the President to pardon, any member of another tribe, or a citizen of the United States, who may by the Indian laws be convicted of any capital offence. The danger of leaving the punishment of death to the judgment of tribes who are not accustomed to measure degrees of guilt, especially against others than members of the tribe, is too obvious to need comment. The Indians must see the necessity of retaining this restrictive power at the commencement of their civil Government. Each tribe will see that it is an important protection to its own members.

The right of self-government in the Indian tribes does not exclude the right of the United States to make laws for the regulation of trade with the Indian tribes, so far as our citizens are concerned. This right is by the constitution of the United States vested in Congress, and cannot be surrendered. The general laws of trade and intercourse are inapplicable to this territory, unless otherwise provided. Very few of their provisions apply to the Indian people; so far, however, as they do apply to them, or to other persons within their limits, each tribe, by adopting those laws as their own, and establishing competent tribunals, may relieve us from the burden of executing them, and it is hoped this will be done.

The relations that shall hereafter subsist between the several tribes, are to be established by the tribes themselves united in a confederation. The object of this union is to do those things, and those only, which the tribes separately are incompetent to do. The regulations of trade and intercourse among the tribes should be liberal and uniform: such regulations must be made either by the United States, or by the tribes. They will be more satisfactory if made by them, than if made by us, and it must be our desire to do nothing for them which they can do for themselves.

For the purpose of forming this confederacy, the Governor (so styled, for the want of a more appropriate title) is authorized to convene the tribes by their chiefs in a general council, for the purpose of defining and limiting the powers of the confederation. But no tribe can be compelled to become a member of the confederacy without its assent, formally and expressly given. Any tribe may authorize its chiefs to assent to it, or they may require that the articles shall be submitted to the tribe for its ratification. No fixed rule can now be established as to the mode of designating the delegates, or of apportioning their number in the first organization of the council; ultimately it may be by election, and in the ratio of numbers as far as practicable.

The United States being bound to protect the several tribes from domestic strife, each tribe from the aggression of the others, and all from foreign force, are directly concerned that all the regulations made by the council should aid them in the fulfilment of these obligations, at least that they should not obstruct or render them more burdensome. As the power of the several tribes is unequal, it will be necessary to protect the weak against the strong, and the strong against the combinations of the weak. And to secure these objects, it will be necessary that there should be some check against improvident or improper acts of the general council. No better check, for the present, has suggested itself than to allow the Governor a negative on their acts. As the tribes advance in civilization, it will be the less necessary, and it is hoped within a few years it may be withdrawn.

This, and the pardon of offenders in capital cases, are the only instances

in which the political power of the United States will interfere with that of the tribes, or the confederation.

The expenses of the members of the council while in session, and in returning, will be paid by the United States; not as a gift or bounty, not as conferring the least obligation, but as a partial compensation for their doing those things for themselves, which otherwise we would be bound to do for them. These expenses may be paid in money or rations, as shall best convenience the members.

At the commencement of the confederation more direction will be necessary, than after the Indians shall have been accustomed to regular government. Many difficulties must be met and overcome, before a union of feeling and interest shall perfect the confederation.

For the purpose of securing to the Indians the fulfilment of all our obligations, it will be necessary that some agent of the Government (in the bill styled Governor) should reside among them, clothed with power sufficient for the object. It will be an office of high trust. His powers and duties are to counsel and advise with the tribes; to compose dissensions among individuals or tribes; to aid the tribes and the confederation in executing their laws; and to employ the military force, when necessary, for their protection. On persons other than Indians, he is authorized to enforce the intercourse laws, and to remove every person who shall be unlawfully within the territory.

In relation to persons foreign to the territory, the several tribes may, under laws made for that purpose, protect themselves. By the intercourse act no persons (agents of the Government by necessary implication excepted) are allowed to reside in the territory without a license, for any purpose whatever. But such license will not authorize such persons to reside there, in violation of a law of the tribe. The Governor, or agent, may remove them, or the tribe may punish for a violation of its laws. This principle is applicable to Indian trade, as well as to other cases. And it is intended under it to enable the tribes to give a preference to their educated people in selecting Indian traders.

The education of the Indians is a subject of deep interest to them and to us. It is now proposed to allow them some direction in it, with the assent of the President, under the superintendence of the Governor, so far as their annuities (K) are concerned; and that a preference should be given to educated youth, in all the employments of which they are capable, as traders, interpreters, schoolmasters, farmers, mechanics, &c.; and that the course of their education should be so directed as to render them capable of those employments. Why educate the Indians unless their education can be turned to some practical use? and why educate them even for a practical use, and yet refuse to employ them? Hitherto the results have been of a doubtful character. The case is not unfrequent that the educated Indian returns from the school, raised above, and unfitted for, the society of his tribe, yet not high enough for that of the whites. His tribe furnishes no situation in which his education can be useful or profitable. He can turn it to no account any where else; and a life of dissipation is the usual and the fatal consequence of a life of idleness. Every place of profit, every object of emulation, or of ambition, within their nation, should be within their reach. This view indicates that a more varied system of education should be adopted; and may safely be adopted with the assent of the President, and under the joint direction of the Governor and the tribes themselves. A

further and more important object of ambition is premised in this bill, and which intimately connects itself with this subject.

The bill proposes to allow to the confederation a delegate in Congress, with the privileges and emoluments of a territorial delegate; and a hope is encouraged of their eventual admission as a State into the Union. Their admission into the Union must, on both sides, be voluntary; on our part, we reserve the right to judge of their fitness to be admitted; on theirs, it is to request or decline it.

In view of the relations which this bill will establish, there seems to be, not only a propriety, but a necessity of their having a delegate in Congress. The intercourse laws, which, from time to time, shall be passed, and the acts of the executive officers we may place among them, are intimately connected with their prosperity. From a delegate we shall be able to learn their practical effect, and to receive suggestions for their amendment. It may be of still more consequence to them. Through their delegate we shall hear their complaints. Hitherto our agents have been almost irresponsible; not because our laws have not made them responsible, but because there was no channel through which their acts of injustice could reach us. And, on the other hand, the policy and legislation of our Government will be faithfully represented to them, ensuring mutual respect and confidence.

Objections addressed to our prejudices, founded on certain associations, it is hoped, will receive no countenance or support. Those associations do not connect themselves with servitude or with dishonor. In peace and in war the Indian character has exhibited traits that would do honor to any race. At this day no one, who has seen their chiefs, can doubt their intelligence and capacity; and it is believed that public sentiment will sustain the concession as an act of justice as well as of sound policy. The right to a delegate in Congress is a subject of the deepest solicitude to the Indians, and will be received by them as the strongest assurance for the fulfilment of our guaranties in all future time. It will probably do more to elevate the Indian character, and to establish and consolidate their confederacy, than any, or, perhaps, all other causes combined.

The proposition for allowing Indians a delegate is not now for the first time brought forward.

It was first suggested in 1778, and in the first treaty ever formed by the United States with any Indian tribe. The treaty with the Delawares of the 17th September, 1778, contains the following article: "And it is further agreed on, by the contracting parties, (should it, for the future, be found conducive for the interests of both parties,) to invite any other tribes who have been friends to the interests of the United States, to join the present confederation, and to form a State, whereof the Delaware nation shall be the head, and have a representative in Congress: *Provided*, Nothing contained in this article is to be considered as conclusive until it meets with the approbation of Congress."

In the treaty of Hopewell, of 1785, is the following article: "Article 12. That the Indians may have full confidence in the justice of the United States, respecting their interests, they shall have the right to send a deputy of their choice, whenever they think fit, to Congress."

In the treaty with the Choctaws, of September, 1830, they requested the privilege of having a delegate in the House of Representatives; and the treaty states that "the commissioners do not feel that they can, under

a treaty stipulation, accede to the request, but at their desire present it in the treaty, that Congress may consider of and decide the application."

The proposition is now presented to Congress, with the decided opinion of the committee that it ought to receive a favorable consideration.

The commissioners, in their report, recommend the reservation of a strip of land, five miles wide, on the eastern side of the territory, to remain as neutral ground, on which neither party should settle. The committee are not satisfied that it would be either practicable or beneficial. On the line of Arkansas, the proposed strip must be taken from that Territory, as the grants to the Choctaws and Cherokees extend up to the line. On the Arkansas side, the land is already in market, and settlements to a considerable extent are already made. Against a part of Missouri the Indian grants, to several tribes, extend up to the line, and the land could not be taken from Missouri without her consent, which it is believed could not be obtained. The extent of the eastern line (against Arkansas and Missouri) is about 350 miles; and the proposed strip would contain 1,120,000 acres of land of the best quality. As neutral ground it would not, probably, be respected by either party, but would become the arena for border conflicts.

The obligations on the part of the United States to maintain peace among the tribes, and to defend them against foreign tribes, will require for some years a military force in or near the Western Territory. At the Southwest are the Camanches, numbering about 1,000 warriors, but every day becoming less formidable. At the West, in the vicinity of the Rocky mountains, are the Arepahas, not exceeding 500 warriors, from whom but little danger is apprehended. The force that would be necessary to repel incursions from either of these tribes, would at the same time be sufficient to protect the Santa Fé trade. It is supposed that nine-tenths of the Indians from whom any thing is to be apprehended, lie north of the latitude of Fort Leavenworth. From that fort, as the permanent rendezvous, a military force can be thrown into part of the hostile country, or to any point required within the Western Territory, with more facility than from any other single point. A small corps of rangers may, for a few years, be necessary on the eastern line, between Fort Leavenworth and Fort Smith. It may, also, be necessary to keep a small force at Fort Towson, to protect the Choctaws against the Southern Indians. It is not supposed that any force will long, if at all, be necessary to preserve peace among the three (and perhaps four) Southern tribes, the Choctaws, Creeks, Cherokees, (and Osages.) And the committee cannot forbear the expression of a decided opinion of the impolicy of locating permanent military posts in the vicinity of the Indian settlements. It is not, however, the province or the intention of the committee to prescribe the amount or disposition of the military force in relation to this territory. They are sensible that belongs to the future legislation of Congress, and to Executive direction.

The President is authorized to make the necessary regulations for carrying into effect the several acts relating to Indian affairs. In 1829, such regulations having reference to the laws then in force, were reported to the House by Messrs. Clark and Cass, commissioners appointed for that purpose. They appear to have been drawn with great care, and, with such alterations as the bills reported require, would, in the opinion of the committee, be proper and efficient; and should the acts reported pass, it would be proper to have the regulations reported to Congress at the next

session, when they can be adopted by an act of Congress, or go into operation under the general provision referred to.

The labors of the committee have been much assisted by the very able and interesting report of the commissioners, which is annexed to this report. It contains much valuable information, and will enable the public to appreciate the zeal, industry, and ability with which they have executed the duties of their commissions.

The committee have annexed to this report a number of statements, and a map of the Western Territory, prepared at the War Department at their request. They have supposed this would be more satisfactory to the House, than any summary that could be given in the reasonable limits of a report.

The committee will close their report by expressing the hope that the importance of the subjects embraced in the several bills will induce the House to act upon them the present session. The first, if considered in a pecuniary point of view, only will effect an annual saving of the expenditure of over $80,000. (E, F, G.) The second is submitted as containing important amendments of the present intercourse laws. The third is of deep interest to the emigrant Indians; and on its passage, it is believed depend some collateral consequences of considerable interest to one section of the country. Although they are not so connected as to render it absolutely necessary that they should be passed contemporaneously, yet, as parts of a system, it is very desirable that they should so pass, and during the present session.

A BILL to provide for the organization of the Department of Indian Affairs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties of the Governors of the Territories of Florida and Arkansas, as Superintendents of Indian Affairs, shall hereafter cease, and the duties of the Governor of the Territory of Michigan, as Superintendent of Indian Affairs, shall cease from and after the establishment of a new territory, embracing the country west of Lake Michigan, should such a territory be established. And while the Governor of the said Territory of Michigan continues to act as Superintendent of Indian Affairs, he shall receive therefor the annual sum of one thousand dollars in full of all allowances, emoluments, or compensation for services in said capacity.

SEC. 2. *And be it further enacted,* That there shall be a Superintendency of Indian Affairs for all the Indian country not within the bounds of any State or Territory west of the Mississippi river, the Superintendent of which shall reside at St. Louis, and shall annually receive a salary of fifteen hundred dollars.

SEC. 3. *And be it further enacted,* That Superintendents of Indian Affairs shall, within their several superintendencies, exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the Government in the Indian Department, under such regulations as shall be established by the President of the United States; and may suspend such officers and persons from their office or

employments, for reasons forthwith to be communicated to the Secretary of War.

SEC. 4. *And be it further enacted*, That the following Indian agents shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall hold their offices for the term of four years, and who shall give bond, in two or more securities, in the penal sum of two thousand dollars, for the faithful execution of the same, and shall each receive the annual compensation of fifteen hundred dollars.

Two agents for the Western Territory.
An agent for the Chickasaws.
An agent for the Eastern Cherokees.
An agent for the Florida Indians.
An agent for the Indians in the State of Indiana.
An agent at Chicago.
An agent at Rock island.
An agent at Prairie du Chien.
An agent for Michilimackinac and the Sault Saint Marie.
An agent for the Saint Peter's.
An agent for the Upper Missouri.

And the following agencies shall be discontinued at the periods herein mentioned, that is to say:

The Florida agency, from and after the thirty-first day of December next.

The Cherokee agency, from and after the thirty-first day of December next.

The Indiana agency, from and after the thirty-first day of December, eighteen hundred and thirty-six.

The Chicago agency, from and after the thirty-first day of December next.

The Rock Island agency, from and after the thirty-first day of December, eighteen hundred and thirty-six.

And all other agencies, not provided for in this act, from and after the passing thereof: *Provided*, That the limitation of the said agencies shall not be construed to prevent the President of the United States from discontinuing the same at an earlier period. And the President shall be, and he is hereby, authorized, whenever he may judge it expedient, to discontinue any Indian agency, or to transfer the same, from the place or tribe designated by law, to such other place or tribe as the public service may require. And every Indian agent shall reside and keep his agency within or near the territory of the tribe for which he may be agent, and at such place as the President may designate, and shall not depart from the limits of his agency without permission. And it shall be competent for the President to require any military officer of the United States to execute the duties of Indian agent.

SEC. 5. *And be it further enacted*, That a competent number of subagents shall be appointed by the President, with an annual salary of seven hundred and fifty dollars each, to be employed and to reside wherever the President may direct, and who shall give bonds, with one or more sureties, in the penal sum of one thousand dollars, for the faithful execution of the same. But no subagent shall be appointed who shall reside within the limits of any agency where there is an agent appointed.

SEC. 6. *And be it further enacted*, That nothing herein contained shall

be construed to require the reappointment of persons now in office, until the expiration of their present term of service; but the commissions of all Indian agents and subagents, now in office, shall expire on the fourth day of March next, unless sooner terminated.

SEC. 7. *And be it further enacted,* That the limits of each agency and subagency shall be established by the Secretary of War, either by tribes or by geographical boundaries. And it shall be the general duty of Indian agents and subagents to manage and superintend the intercourse with the Indians within their respective agencies, agreeably to law; to obey all legal instructions given to them by the Secretary of War, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs; and to carry into effect such regulations as may be prescribed by the President.

SEC. 8. *And be it further enacted.* That the President of the United States may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of the Indian Department.

SEC. 9. *And be it further enacted,* That an interpreter shall be allowed to each agency, who shall receive an annual salary of three hundred dollars: *Provided,* That where there are different tribes in the same agency, speaking different languages, one interpreter may be allowed, at the discretion of the Secretary of War, for each of the said tribes. Interpreters shall be nominated, by the proper agents, to the War Department for approval, and may be suspended, by the agent, from pay and duty, and the circumstances reported to the War Department for final action; and —— blacksmiths shall, in like manner, be employed wherever required by treaty stipulations, and such blacksmiths shall receive an annual compensation of four hundred and eighty dollars, and, if they furnish their shop and tools, an additional sum of one hundred and twenty dollars; and their assistants shall be allowed an annual compensation of two hundred and forty dollars. And wherever farmers, mechanics, or teachers are required by treaty stipulations to be provided, they shall be employed under the direction of the War Department, and shall receive an annual compensation of not less than four hundred and eighty dollars, nor more than six hundred dollars. And in all cases of the appointments of interpreters, or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties. And where any of the tribes are, in the opinion of the Secretary of War, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe.

SEC. 10. *And be it further enacted,* That the compensation prescribed by this act shall be in full of all emoluments or allowances whatsoever: *Provided, however,* That, where necessary, a reasonable allowance or provision may be made for offices and office contingencies: *And provided, also,* That where persons are required, in the performance of the duties under this act, to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them: *And provided, also,* That no allowance shall be made to any person for travel or expenses in coming to the seat of Government to settle his accounts, unless thereto required by the Secretary of War: *And provided, also,* That no person shall

hold more than one office at the same time under this act, nor shall any agent, subagent, interpreter, or person employed under this act, receive his salary while absent from his agency or employment.

Sec. 11. *And be it further enacted,* That the payment of all annuities, or other sums stipulated by treaty to be made to any Indian tribe, shall be made to the chiefs of such tribe, or to such person as said tribe shall appoint; or if any tribe shall appropriate their annuities to the purpose of education, or to any other specific use, then to such person or persons as such tribe shall designate.

Sec. 12. *And be it further enacted,* That it shall be lawful for the President of the United States, at the request of any Indian tribe to which any annuity shall be payable in money, to cause the same to be paid in goods, purchased by the Quartermaster's Department, as provided in the next section of this act.

Sec. 13. *And be it further enacted,* That all merchandise required by any Indian treaty for the Indians, payable after the making of such treaty, shall be purchased by the Quartermaster's Department, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty shall be purchased under the order of the commissioners, by such person as they shall appoint, or by such person as shall be designated by the President for that purpose. And all other purchases on account of the Indians, and all payments to them of money or goods, shall be made ——— by such person as the President shall designate for that purpose. And it shall be competent for the President to direct that one or more military officers shall be present, and certify to the delivery of all goods and money required to be paid or delivered to the Indians. And the duties required by any section of this act, of military officers, shall be performed without any other compensation than their actual travelling expenses; and all persons whatsoever, charged or trusted with the disbursement or application of money, goods, or effects of any kind, for the benefit of the Indians, shall settle their accounts, annually, at the War Department, on the first day of October; and copies of the same shall be laid, annually, before Congress at the commencement of the ensuing session, by the proper accounting officers, together with a list of the names of all persons to whom money, goods, or effects had been delivered within said year for the benefit of the Indians, specifying the amount and object for which it was intended, and showing who are delinquents, if any, in forwarding their accounts according to the provisions of this act; and, also, a list of the names of all persons appointed or employed under this act, with the dates of their appointment or employment, and the salary and pay of each.

Sec. 14. *And be it further enacted,* That no person employed in the Indian Department shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein, shall forfeit the sum of one thousand dollars.

Sec. 15. *And be it further enacted,* That the President shall be, and he is hereby, authorized to cause any of the friendly Indians west of the Mississippi river, and north of the boundary of the Western Territory, and the region upon Lake Superior and the head of the Mississippi, to be furnished with useful domestic animals and implements of husbandry, and with goods, as he shall think proper: *Provided,* That the whole amount of such presents shall not exceed the sum of five thousand dollars.

Sec. 16. *And be it further enacted,* That the President be, and he is

hereby, authorized to cause such rations as he shall judge proper, and as can be spared from the army provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations, and a special account of these issues shall be kept and rendered.

Sec. 17. *And be it further enacted,* That the President of the United States shall be, and he is hereby, authorized to prescribe such rules and regulations as he may think fit, for carrying into effect the various provisions of this act, and of any other act relating to Indian affairs, and for the settlement of the accounts of the Indian Department.

Sec. 18. *And be it further enacted,* That all acts or parts of acts, coming within the provisions of this act, shall be, and the same are hereby, repealed.

A BILL to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the United States west of the Mississippi, and not within the States of Missouri and Louisiana, or the Territory of Arkansas, and, also, that part of the United States east of the Mississippi river, and not within any State to which the Indian title has not been extinguished, shall, until such title shall be extinguished, for the purposes of this act, be taken and deemed to be the Indian country.

Sec. 2. *And be it further enacted,* That no person shall be permitted to trade with any of the Indians (in the Indian country) without a license therefor from a superintendent of Indian affairs, or Indian agent, or subagent; which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river. And the person applying for such license shall give bond in a penal sum not exceeding five thousand dollars, with one or more sureties, to be approved by the person issuing the same, conditioned that such person will faithfully observe all the laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same. And the person issuing such license, or the superintendent of the district, shall have power to revoke and cancel the same, whenever the person licensed shall, in his opinion, have transgressed any of the laws or regulations provided for the government of trade and intercourse with the Indian tribes, or that it would be improper to permit him to remain in the Indian country. And no trade with the said tribes shall be carried on within their boundary, except at certain suitable and convenient places, to be designated from time to time by the superintendents, agents, and subagents, and to be inserted in the license. And it shall be the duty of the persons granting or revoking such licenses, forthwith to report the same to the Commissioner of Indian Affairs, for his approval or disapproval.

Sec. 3. *And be it further enacted,* That any superintendent, agent, or subagent, may refuse an application for a license to trade, if he is satisfied that the applicant is a person of bad character, or that it would be impro-

per to permit him to reside in the Indian country, or if a license previously granted to such applicant has been revoked, or a forfeiture of his bond decreed. But an appeal may be had from the agent or subagent to the superintendent, and from the latter to the Commissioner of Indian Affairs; and where there is no superintendent, the appeal may be had directly from the agent or subagent. And the President of the United States shall be authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected; and no trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued.

SEC. 4. *And be it further enacted,* That any white person who shall attempt to reside in the Indian country as a trader, or to introduce goods, or to trade therein without such license, shall forfeit all merchandise offered for sale to the Indians, or found in his possession, and shall, moreover, forfeit and pay the sum of five hundred dollars.

SEC. 5. *And be it further enacted,* That no license to trade with the Indians shall be granted to any persons except citizens of the United States: *Provided,* That the President shall be authorized to allow the employment of foreign boatmen and interpreters, under such regulations as he may prescribe.

SEC. 6. *And be it further enacted,* That if a foreigner shall go into the Indian country without a passport from the War Department, the superintendent, agent, or subagent of Indian affairs, or from the officer of the United States commanding the nearest military post on the frontiers, or shall remain intentionally therein after the expiration of such passport, he shall forfeit and pay the sum of one thousand dollars; and such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel.

SEC. 7. *And be it further enacted,* That if any person other than an Indian, shall, within the Indian country, purchase or receive of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry or cooking utensils, of the kind commonly obtained by the Indians in their intercourse with the white people, or any other article of clothing, except skins or furs, he shall forfeit and pay the sum of fifty dollars.

SEC. 8. *And be it further enacted,* That no person shall be permitted to purchase or procure any horse of an Indian, or of any white man in the Indian country, without a special license for that purpose; which license any superintendent or agent is hereby authorized to grant. And such license shall be granted to persons of fair character only, and upon their giving bond, with security, conditioned for their observance of the laws and regulations relating to trade and intercourse with the Indians. And the duration of such license shall be expressed therein, not to exceed six months, and the same may be granted for the purchase of a horse from an individual, or for the purchase of horses from a band or tribe. And any person who shall purchase a horse or horses under such license, before he exposes such horse or horses for sale, and within fifteen days after they have been brought out of the Indian country, shall make a particular return to the superintendent or other person from whom he obtained his license, of every horse

purchased by him as aforesaid, describing such horses by their color, height, and other natural and artificial marks, under the penalty contained in their respective bonds. And every person or persons purchasing a horse as aforesaid, in the Indian county, without a special license, shall, for every horse thus purchased and brought into any settlement of the citizens of the United States, forfeit a sum not exceeding one hundred dollars; and every person who shall purchase a horse, knowing him to be brought out of the Indian country by any person or persons not licensed as aforesaid to purchase the same, shall forfeit the sum of fifty dollars.

Sec. 9. *And be it further enacted,* That if any person other than an Indian, shall, within the limits of any tribe with whom the United States shall have existing treaties, hunt or trap, or take and destroy, any peltries or game in the Indian country, such person shall forfeit the sum of five hundred dollars, and forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and peltries so taken.

Sec. 10. *And be it further enacted,* That if any person shall drive or otherwise convey any stock of horses, mules, or cattle to range or feed on any land belonging to any Indian or Indian tribe, such person shall forfeit the sum of five dollars, for each animal of such stock.

Sec. 11. *And be it further enacted,* That the Superintendent of Indian Affairs, and Indian agents and subagents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President of the United States is authorized to direct the military force to be employed in such removal.

Sec. 12. *And be it further enacted,* That if any person shall make a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or shall survey or shall attempt to survey such lands, or designate any of the boundaries by marking trees, or otherwise, such offender shall forfeit and pay the sum of one thousand dollars. And it shall moreover, be lawful for the President of the United States to take such measures, and to employ such military force as he may judge necessary to remove from the lands as aforesaid any such person as aforesaid.

Sec. 13. *And be it further enacted,* That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the constitution. And if any person not employed under the authority of the United States, shall attempt to negotiate such treaty or convention, directly or indirectly, to treat with any such nation or tribe of Indians, for the title or purchase of any lands by them held or claimed, such person shall forfeit and pay one thousand dollars: *Provided, nevertheless,* That it shall be lawful for the agent or agents of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner or commissioners of the United States appointed to hold the same, to propose to, and adjust with the Indians, the compensation to be made for their claim to lands within such State which shall be extinguished by treaty.

Sec. 14. *And be it further enacted,* That if any citizen or other person residing within the United States or the territory thereof, shall send any talk, speech, message, or letter to any Indian nation, tribe, chief, or indi-

vidual, with an intent to produce a contravention or infraction of any treaty or other law of the United States, or to disturb the peace and tranquillity of the United States, or to defeat or delay any measure proposed by the Government, or to injure the interest of the United States, he shall forfeit and pay the sum of two thousand dollars.

SEC. 15. *And be it further enacted,* That if any citizen or other person shall carry or deliver any such talk, message, speech, or letter to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatsoever, residing within the United States, or from or to any subject, citizen, or agent of any foreign Power or State, knowing the contents thereof, he shall forfeit and pay the sum of one thousand dollars.

SEC. 16. *And be it further enacted,* That if any citizen or other person, residing or living among the Indians, or elsewhere within the territory of the United States, shall carry on a correspondence, by letter or otherwise, with any foreign nation or Power, with an intent to induce such foreign nation or Power to excite any Indian nation, tribe, chief, or individual to war against the United States, or to the violation of any existing treaty; or in case any citizen or other person shall alienate, or attempt to alienate, the confidence of any Indian or Indians from the Government of the United States, he shall forfeit the sum of one thousand dollars.

SEC. 17. *And be it further enacted,* That where, in the commission, by a white person, of any crime, offence, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offence, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed. And if such offender shall be unable to pay a sum at least equal to such just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States: *Provided,* That no such Indian shall be entitled to any payment, out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence: *And provided, also,* That if such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury, as aforesaid.

SEC. 18. *And be it further enacted,* That if any Indian or Indians, belonging to any tribe in amity with the United States, shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy, any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or subagent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding twelve months, it shall be the duty of such superintendent, agent, or subagent, to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury; and, in the mean time, in respect to the property so taken, stolen, or destroyed,

the United States guaranty, to the party so injured, an eventual indemnification: *Provided*, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: *And provided, also*, That unless such claim shall be presented within three years after the commission of the injury, the same shall be barred. And if the nation or tribe to which such Indian may belong, receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom, and paid to the party injured; and, if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States: *Provided*, That nothing herein contained shall prevent the legal apprehension and punishment of any Indians having so offended.

SEC. 19. *And be it further enacted*, That the superintendents, agents, and subagents, within their respective districts, be, and are hereby, authorized and empowered to take depositions of witnesses touching any depredations within the purview of the two preceding sections of this act, and to administer an oath to the deponents.

SEC. 20. *And be it further enacted*, That it shall be the duty of the superintendents, agents, and subagents to endeavor to procure the arrest and trial of all Indians accused of committing any crime, offence, or misdemeanor, and of all other persons who may have committed crimes or offences within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize; and the President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

SEC. 21. *And be it further enacted*, That if any person shall sell, exchange, or give, barter, or dispose of, any spirituous liquor or wine to an Indian, (in the Indian country,) such person shall forfeit and pay the sum of five hundred dollars; and if any person shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the War Department, such person shall forfeit and pay a sum not exceeding three hundred dollars; and if any superintendent of Indian affairs, Indian agent, subagent, or commanding officer of a military post, has reason to suspect, or is informed, that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, Indian agent, or subagent, or military officer, agreeably to such regulations as may be established by the President of the United States, to cause the boats, stores, packages, and places of deposite of such person to be searched, and if any such spirituous liquor or wine is found, the goods, boats, packages, and peltries of such persons shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the use of the informer, and the other half to the use of the United States; and if such person is a trader, his license shall be revoked, and his bond put in suit. And it shall moreover be lawful for any person in the service of the United States, or

for any Indian, to take and destroy any ardent spirits or wine found in the Indian country.

SEC. 22. *And be it further enacted,* That if any person whatever shall, within the limits of the Indian country, set up or continue any distillery for manufacturing ardent spirits, he shall forfeit and pay a penalty of one thousand dollars; and it shall be the duty of the Superintendent of Indian Affairs, Indian agent, or subagent, within the limits of whose agency the same shall be set up or continued, forthwith to destroy and break up the same; and it shall be lawful to employ the military force of the United States in executing that duty.

SEC. 23. *And be it further enacted,* That in all trials about the right of property, in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

SEC. 24. *And be it further enacted,* That it shall be lawful for the military force of the United States to be employed in such manner and under such regulations as the President may direct, in the apprehension of every person who shall or may be found in the Indian country, in violation of any of the provisions of this act, and him immediately to convey from said Indian country, in the nearest convenient and safe route, to the civil authority of the territory or judicial district in which said person shall be found, to be proceeded against in due course of law; and, also, in the examination and seizure of stores, packages, and boats, authorized by the twenty-first section of this act, and in preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law: *Provided,* That no person apprehended by military force as aforesaid, shall be detained longer than five days after the arrest and before removal. And all officers and soldiers who may have any such person or persons in custody, shall treat them with all the humanity which the circumstances will possibly permit; and every officer or soldier who shall be guilty of maltreating any such person while in custody, shall suffer such punishment as a court martial shall direct.

SEC. 25. *And be it further enacted,* That, for the sole purpose of carrying this act into effect, all that part of the Indian country west of the Mississippi river, that is bounded north by the north line of lands assigned to the Osage tribe of Indians, produced east to the State of Missouri; west, by the Mexican possessions; south, by Red river; and east, by the west line of the Territory of Arkansas and the State of Missouri, shall be, and hereby is, annexed to the Territory of Arkansas; and that, for the purpose aforesaid, the residue of the Indian country west of said Mississippi river shall be, and hereby is, annexed to the judicial district of Missouri; and, for the purpose aforesaid, the several portions of Indian country east of the said Mississippi river, shall be, and are hereby, severally annexed to the Territory in which they are situate.

SEC. 26. *And be it further enacted,* That so much of the laws of the United States as provides for the punishments of crimes committed within any place within the sole and exclusive jurisdiction of the United States, shall be in force in the Indian country: *Provided,* The same shall not extend to crimes committed by one Indian against the person or property of another Indian.

SEC. 27. *And be it further enacted,* That if any person who shall be charged with a violation of any of the provisions or regulations of this act, shall be found within any of the United States, or either of the Territories, such offender may be there apprehended, and transported to the Territory or judicial district having jurisdiction of the same.

SEC. 28. *And be it further enacted,* That all penalties which shall accrue under this act, shall be sued for and recovered in an action of debt, in the name of the United States, before any court having jurisdiction of the same, (in any State or Territory in which the defendant shall be arrested or found,) the one-half to the use of the informer, and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

SEC. 29. *And be it further enacted,* That whenever an appropriation shall be made for holding a treaty with any of the Indian tribes, one or more commissioners shall be appointed, by and with the advice and consent of the Senate, who shall receive, in full for their services, eight dollars per day for every day actually employed in the business of the commission, and eight dollars for every twenty miles of travel. And such commissioner or commissioners shall have authority, when the treaty is held in the Indian country, to preserve the necessary police, and to remove therefrom any person who shall supply, or attempt to supply, the Indians with spirituous liquor, or endeavor to prevent or delay the objects of the commissioners, by counselling with the Indians, or in any other manner. And the said commissioner or commissioners shall also have authority to seize and destroy any spirituous liquor which, in their opinion, may be brought to such treaty ground, or its vicinity, to be disposed of to the Indians, whether brought by white persons or Indians.

SEC. 30. *And be it further enacted,* That when goods or other property shall be seized for any violation of this act, it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods, or other property, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws.

SEC. 31. *And be it further enacted,* That the following acts and parts of acts shall be, and the same are hereby, repealed, namely: An act to make provision relative to rations for Indians, and to their visits to the seat of Government, approved May thirteen, eighteen hundred; an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved March thirty, eighteen hundred and two; an act supplementary to the act passed thirtieth March, eighteen hundred and two, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved April twenty-nine, eighteen hundred and sixteen; an act for the punishment of crimes and offences committed within the Indian boundaries, approved March three, eighteen hundred and seventeen; the first and second sections of the act directing the manner of appointing Indian agents, and continuing the "Act establishing trading houses with the Indian tribes," approved April sixteen, eighteen hundred and eighteen; an act fixing the compensation of Indian agents and factors, approved April twenty, eighteen hundred and eighteen; an act supplementary to the act entitled "An act to provide for the prompt settlement of public accounts," approved February twenty-four, eighteen hundred

and nineteen; the eighth section of the act making appropriations to carry into effect treaties concluded with several Indian tribes therein mentioned, approved March three, eighteen hundred and nineteen; the second section of the act to continue in force for a further time the act entitled "An act for establishing trading houses with the Indian tribes, and for other purposes," approved March three, eighteen hundred and nineteen; an act to amend an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved thirtieth of March, eighteen hundred and two, approved May six, eighteen hundred and twenty-two; an act providing for the appointment of an agent for the Osage Indians west of the State of Missouri and Territory of Arkansas, and for other purposes, approved May eighteen, eighteen hundred and twenty-four; the third, fourth, and fifth sections of "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes," approved May twenty-five, eighteen hundred and twenty-four; the second section of the "Act to aid certain Indians of the Creek nation in their removal to the west of the Mississippi," approved May twenty, eighteen hundred and twenty-six; and an act to authorize the appointment of a subagent to the Winnebago Indians on Rock river, approved February twenty-five, eighteen hundred and thirty-one: *Provided, however*, That such repeal shall not affect any rights required, or punishments, penalties, or forfeitures incurred, under either of the said acts or parts of acts: *And provided, also,* That such repeal shall not be construed to revive any acts or parts of acts repealed by either of the acts or sections herein described.

A BILL to provide for the establishment of the Western Territory, and for the security and protection of the emigrant and other Indian tribes therein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States bounded on the east by the Territory of Arkansas and the State of Missouri, as far north as the south bank of the Missouri river; on the northeast by the south bank of the said Missouri river, to the mouth of the river Platte; on the north by the south bank of the said Platte river, to where its north branch crosses the forty-second degree of north latitude nearest to the twenty-eighth degree of longitude east of the meridian of Washington, and by a line on said latitude to the Mexican possessions, and bounded west and south by the said Mexican possessions, shall, for the purposes hereinafter mentioned, constitute a territory to be denominated the Western Territory.

Sec. 2. *And be it further enacted*, That the said Territory shall be forever hereafter reserved for the use of the various Indian tribes who may have a right to the same. And the faith of the United States is hereby pledged, that all that part of the said Territory which has been or may be granted to any of the Indian tribes, shall be, and the same is hereby, secured to them and their heirs and descendants forever, and, if they prefer it, the United States will cause a patent or grant to be made and executed to the same; and in case any two or more tribes shall unite and form a single tribe, the grants to such tribes shall enure to the benefit of such united tribe, on such terms as said tribes shall agree upon. And

that the right of such Indians or tribes shall not be impaired by their being at any time formed into a Territory, or one of the United States: *Provided*, That such land shall revert to the United States, if the Indians, for whose benefit such grants have or shall be made, should become extinct, or abandon them.

SEC. 3. *And be it further enacted*, That each of the tribes residing within the said Territory may establish and maintain such government for the regulation of their own internal concerns, as to them may seem proper; and it shall be competent for the General Council to furnish such force, as from time to time may be necessary, towards the support of such government; and the troops of the United States may, under the direction of the President, be employed on the same duty.

SEC. 4. *And be it further enacted*, That a Governor of the said Territory shall be appointed by the President, by and with the advice and consent of the Senate, who shall be, ex officio, superintendent of Indian affairs of said Territory for the term of three years, and who shall take an oath of office, and shall receive, as Governor and superintendent, an annual salary of three thousand five hundred dollars, which shall be in full of all charges, allowances, and emoluments, of whatever nature or kind. And the said Governor shall reside at such place as may be directed by the President of the United States, and shall execute such duties as may be enjoined by law, or as may be directed by the President.

SEC. 5. *And be it further enacted*, That a secretary of the said Territory shall be appointed by the President, by and with the advice and consent of the Senate, for the term of four years, who shall take an oath of office, and shall receive an annual compensation of fifteen hundred dollars, which shall be in full of all charges, allowances, and emoluments, of whatever nature or kind. And it shall be the duty of the said secretary to reside at the place appointed by the President of the United States for the residence of the Governor. He shall also keep a record of all the official proceedings of the Governor of the said Territory, and annually transmit copies of the same to both Houses of Congress. He shall also discharge the duties of Governor of said Territory during the vacation of the office, or in the absence therefrom of the Governor, and shall fulfil such other duties as shall be enjoined by law, or as may be directed by the President of the United States.

SEC. 6. *And be it further enacted*, That as soon as may be, after his appointment, the said Governor shall convene, at some proper point, a sufficient number of the chiefs of the various tribes who have emigrated from the eastern to the western side of said river, and who may reside in the said Territory, together with the chiefs of such of the other native tribes of said region as may appear, from their situation and habits, qualified to be admitted into the confederacy it is proposed to establish, and shall submit to them a proposition for their assent to such of the provisions of this act as require the co-operation of the authorities of the respective tribes, in order to carry the same into effect; and such assent, if given, shall be in writing and in duplicate, one of which duplicates shall be transmitted to the War Department, and the other shall be preserved in the office of the said Governor: *Provided*, The articles of confederation shall not be binding on any tribe unless assented to by the chiefs of such tribe, being previously authorized thereto, or unless they

shall be ratified by such tribe : *Provided, also*, That such confederation shall not take effect until the Choctaw, Creek, and Cherokee tribes shall have given their assent thereto. And that, thereafter, other tribes in said Territory may join said confederation, and become members thereof.

SEC. 7. *And be it further enacted*, That a general council of the several tribes giving their consent, and forming the confederacy thus provided for, shall be annually held at such time and place as may be fixed by the Governor. The said council shall consist of not less than twenty-four members, who shall be elected by the respective tribes, or selected from the existing chiefs, in proportion to their numbers, which proportion shall be determined by the Governor, as shall also the manner of their appointment, whether by election or selection : *Provided*, That as fast as the tribes are found competent to elect their representatives, that mode of proceeding shall be adopted. And it shall be their duty to make all necessary regulations respecting the intercourse among the various tribes, to preserve peace, to put a stop to hostilities, to settle any questions of dispute respecting boundaries, to arrest and punish all Indians who may commit offences within the district of one tribe, and who may flee to another, and, generally, to take such measures as may be necessary to give effect to the intentions of this act. All the regulations adopted by the said council shall be submitted to the Governor for his consideration, and shall have no force unless approved by him. The Governor shall also have power to convene the said council upon extraordinary occasions, and at all times to adjourn them. And the members of the said council shall receive from the United States their necessary subsistence while attending the said council and returning home, until otherwise provided by law. And in order to give effect to the regulations of the said council, the military force of the United States shall be employed in such manner as the President may direct.

SEC. 8. *And be it further enacted*, That all officers and persons in the service of the United States, and all persons employed under treaty stipulations, and all persons travelling in or through said country, and not residing therein, shall, within said Territory, be under the protection of, and subject to, the laws of the United States. And if any such officer or person shall, within said Territory, commit any offence against the laws of the United States, it shall be the duty of the Governor to cause such officer or person to be apprehended and removed for trial to the Territory or district having jurisdiction of such offence. And if any such officer or person shall commit any offence against the laws of any tribe, it shall be the duty of the Governor, on the complaint of such tribe, forthwith to cause such person to be removed from the limits of such tribe.

SEC. 9. *And be it further enacted*, That whenever an Indian of one tribe shall commit murder, or any other offence against the person or property of an Indian of any other tribe, he shall be apprehended in such manner as the General Council shall direct, and he shall receive such punishment as may be previously provided by the regulations of the said council. And such offender shall be kept in confinement at any of the military posts of the United States, and shall be tried by five chiefs belonging neither to the tribe of which such offender nor the party injured was a member, to be summoned by the Governor; and the sentence of

such chiefs shall be immediately carried into effect, unless the Governor, for good reasons, shall suspend the same until the pleasure of the President shall be known. And in all cases when a person not a member of any tribe shall be convicted of an offence, the punishment whereof by the laws of the tribe shall be death, the judgment shall be forthwith reported to the Governor, who may, for good reasons, suspend the execution thereof until the pleasure of the President shall be known.

Sec. 10. *And be it further enacted*, That it shall be competent for the Governor, in the event of an aggression having been or being about to be committed by one of the tribes against another, to call upon the other tribes for assistance to repel or prevent such aggression, and also to require the military force of the United States within the said Territory to perform the same duty. And he shall further be empowered to apprehend and detain hostages whenever he may think necessary, and to report his proceedings to the President without delay.

Sec. 11. *And be it further enacted*, That, in order to encourage the said tribes, and to promote their advancement in the arts of civilized life, and to afford to them a convincing proof of the desire of the United States that they may eventually be secured in all the blessings of free government, and admitted to a full participation of the privileges now enjoyed by the American people, it shall be competent for the said confederated tribes to elect, in such manner as the General Council may prescribe, a Delegate to Congress, who shall have the same powers, privileges, and compensation as are possessed by the Delegates of the respective Territories.

Sec. 12. *And be it further enacted*, That every tribe in said Territory, to which an annuity for the purpose of education is granted, may, in such manner as the President shall prescribe, have the direction of the expenditure of the same, under the superintendence of the Governor.

Sec. 13. *And be it further enacted*, That the trade and intercourse between the United States and the several Indian tribes within said Territory, shall be regulated by the several laws regulating trade and intercourse with the Indian tribes, unless otherwise provided in this act.

Sec. 14. *And be it further enacted*, That if any of the tribes in said Territory or said General Council shall adopt as the law of such tribe or confederacy, any or all of the prohibitory provisions of the laws of the United States regulating trade and intercourse with Indians and Indian tribes, with such punishment as shall be approved by the Governor, and establish competent tribunals for the trial of offenders against the same, it shall be lawful for the Governor to employ the military force of the United States to arrest and deta in such offenders within the limits of said Territory, and to carry into effect the judgments of said tribunals.

Sec. 15. *And be it further enacted*, That nothing in this act shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes; nor shall any thing in this act be construed as binding the United States to any tribe who shall not become a member of said confederacy, further than they are or shall be bound by their treaties with such tribe.

List of the documents appended to the report.

A. Indian tribes west of the Mississippi, with whom the United States have treaties.

B. Indian tribes west of the Mississippi, with whom the United States have no treaties.

C. Organization of the Indian Department in 1802.

D. Organization of the Indian Department in 1818.

E. Present organization of the Indian Department.

F. Proposed organization of the Indian Department.

G. Tabular statement of appropriations for the Indian Department for the last five years, compared with those required by the proposed organization.

H. Statement showing the annual expenditures of the Indian Department from the adoption of the federal constitution, to the 31st December, 1833, and the amount appropriated in each year to 1822.

I. A statement of the present and future liabilities of the United States to Indians and Indian tribes, under existing treaties, for annuities, &c. &c. &c., exclusive of stipulations for the removal of Indians.

J. A statement showing the stipulations for removing Indians from the east to the west side of the Mississippi, with an estimate of the number of Indians to be removed, and of the expenses incident to their removal.

K. Statement of sums provided by treaties for the purposes of education.

L. Table of schools, showing under whose direction, the station, number of teachers, and number of pupils at each—allowances from the civilization fund, &c.

M. Statement of appropriations for trading houses, salaries, &c.

N. Statement of the closing of the trading house establishment.

O. Indian tribes east of the Mississippi, who have not yet agreed to emigrate.

P. Indian tribes east of the Mississippi, who have agreed to emigrate.

Q. Indian tribes in the Western Territory, and the quantity of land for each.

R. Quantity of land in the Western Territory, suitable for cultivation, &c.

S. Bill reported the 21st February, 1826, for a Government in the Western Territory.

T. Report of the Commissioners of Indian Affairs, west.

U. Map of the Western Territory.

WAR DEPARTMENT,
May 17, 1834.

SIR: Agreeably to the request of the Committee on Indian Affairs, transmitted by you, I had the honor some days since to forward you a copy of a report made by the commissioners negotiating with the Indians west of the Mississippi, together with extracts from an appendix; and in further compliance with your suggestions, I now send the tabular statements you desired, which have been prepared with as much accuracy as the materials in the possession of this department would allow. It is to be observed that the buildings occupied by the War Department have been twice burned, and with them many of the records, and it is, therefore, difficult to procure exact statements respecting some of the subjects presented by you.

Very respectfully, sir,
I have the honor to be,
Your obedient servant,
LEW. CASS.

Hon. HORACE EVERETT,
Of the Committee on Indian Affairs.

A.

Indian tribes west of the Mississippi with whom the United States have treaties.

Names of the tribes.	Numbers.
1. Choctaws	15,000
2. Appalachicolas	265
3. Creeks	2,459
4. Cherokees	6,000
5. Senecas of Sandusky	251
6. Senecas and Shawnees	211
7. Quapaws	466
8. Osages	5,510
9. Ottawas	200
10. Kaskaskias and Peorias	130
11. Weas and Piankeshaws	394
12. Shawnees	1,250
13. Kanzas	1,440
14. Delawares	830
15. Kickapoos	513
16. Ottoes and Missourias	1,600
17. Sioux	27,500
18. Ioways	1,100
19. Sacs of Missouri	500
20. Omahas	1,400
21. Pawnees	11,000

STATEMENT A—Continued.

Names of the tribes.	Numbers.
22. Sacs	4,800
23. Foxes	1,600
24. Mandans	15,000
25. Crows	45,000
26. Poncas	800
27. Cheyennes	2,000
28. Arickaras	3,000
29. Belautse-etea, or Minatarees	1,500
30. Winnebagoes*	4,591

B.

Indian tribes west of the Mississippi, with whom the United States have no treaties.

Names of tribes.	Numbers.
1. Camanches	7,000
2. Assinaboins	1,000
3. Crees	3,000
4. Gros Ventres	3,000
5. Blackfeet	30,000
6. Caddoes	800
7. Arepahas	4,000
8. Keawas	1,000
9. Kaskaias	2,000
10. Marlin or Kite	500
11. Kaninahoick	2,000
12. Padoucas, proper	2,000
13. Jetam, Soshawnese or Snake, inhabiting the Rocky mountains	20,000
14. Tushshepah	1,430
15. Chopunnish	5,850
16. Lokulk	2,400
17. Chimnahpum	1,860
18. Wallawollah	1,600
19. Pishquitpahs	2,600
20. Wahowpum	700

* Part of this tribe has gone west of the Mississippi, and part north of the Ouisconsin; the number which have gone in either direction is not known.

STATEMENT B—Continued.

Names of tribes.	Numbers.
21. Eneshure - - - - - -	1,200
22. Eskeloot - - - - - - -	1,000
23. Chilluckittequaw - - - - -	2,200
24. Shahala - - - - - - -	2,800
25. Wappatoo - - - - - -	5,490
26. Skilloot - - - - - - -	2,500
27. Wahkiacums - - - - - -	200
28. Cathlamahs - - - - - -	300
29. Chinnooks - - - - - -	400
30. Clatsop - - - - - - -	200
31. Killamucks - - - - - -	5,500
32. Cook-koo-oose - - - - - -	1,500
33. Shallalah - - - - - -	1,200
34. Luckkarso - - - - - -	1,200
35. Hannakallal - - - - - -	600
36. Killaxthocles - - - - - -	5,060
37. Clarkamus - - - - - -	1,800
38. Clishhooks - - - - - -	650
39. Charcowah - - - - - -	200
40. Callahpoewah - - - - - -	2,000
41. Skaddals - - - - - -	820
42. Cutsahnim - - - - - -	1,200
43. Lahanna - - - - - -	2,000
44. Coospellar - - - - - -	1,600
45. Wheelpo - - - - - -	2,500
46. Hihighenimmo - - - - - -	1,300
47. Lartielo - - - - - - -	600
48. Skeetsonish - - - - - -	2,000
49. Shoshonee - - - - - -	15,540
Whole number - - -	156,300

6

C.

Organization of the Indian Department in 1802.

Officers.	Stations.	Date of appointment.
Superintendents.		
1. The Governors of	Mississippi Territory -	Ex officio.
2. The Governors of	Northwestern do -	Ex officio.
3. The Governors of	Indiana do -	Ex officio.
4. Benjamin Hawkins	Of the Indians in the South	Sept. 27, 1793.
Agents.		
1. John McKee -	Choctaws - - -	Sept. 27, 1793.
2. Samuel Mitchell -	Chickasaws - -	" " "
3. William Wells -	Fort Wayne - -	January 1, 1802
4. R. J. Meigs -	Cherokees - -	March 24, 1801.
5. Callender Irvine, -	Five Nations, New York -	July 8, 1802.
6. Charles Jouett -	Northwest Indians, Detroit	September 7, 1802.

Memorandum relative to the power of appointing agents, &c.

August 7, 1786.—An ordinance was passed by the Congress under the confederation, to regulate trade and intercourse with the Indian tribes. It divided the Indian Department into two districts, and provided a superintendent for each of them, and gave to the superintendent of the northern district power to appoint two deputies. These superintendents were to receive their instructions from the Secretary of War.

July 22, 1789.—Was passed the first act of Congress under the constitution in relation to the duties of superintendents and agents, but gives no authority for the appointment of either.

March 1, 1793.—Contains a clause similar to the 13th section of the existing intercourse act. Up to March, 1793, therefore, the provision in the ordinance of 1786 was the only authority for the appointment of agents.

December 29, 1789.—General Washington promises the Senecas that he would send an agent to reside among them, and in 1791, February 8th, General Knox, Secretary of War, assures them the President will send them an interpreter, a teacher, and farmers.

April 23, 1792.—Israel Chapin was appointed a deputy temporary agent for the Five Nations.

February 16, 1792.—Leonard Shaw was appointed in the same capacity for the Cherokees.

April 22, 1792.—James Robertson was appointed in the same capacity for the Chickasaws.

That the word "temporary" was not considered to be binding, in its common acceptance, is evident from the facts that Mr. Chapin was an

agent for the Five Nations in 1798, six years after his appointment, and General Robertson agent for the Chickasaws in 1805, thirteen years after his appointment. Mr. Shaw retired in 1794, to vindicate himself against some charges preferred.

D.

Organization of the Indian Department in 1818.

Officers.	Stations.	Date of appointment.
Superintendents.		
The Governors of	Territories - -	Ex officio
Agents.		
1. R. J. Meigs -	Cherokees - -	March 24, 1801
2. John Johnston -	Fort Wayne and Piqua	
3. Charles Jouett -	Chicago - -	September 7, 1802
4. Nicholas Boilvin -	Prairie du Chien -	March 14, 1811
5. John McKee -	Choctaws - -	April 30, 1814
6. Richard Graham -	Illinois Territory -	July 14, 1815
7. John Bowyer -	Green Bay - -	" " "
8. John Jamison -	Natchitoches - -	January 20, 1816
9. David Mitchell -	Creeks - -	October 3, 1816
10. Reuben Lewis -	Cherokees of Arkansas	July 11, 1817
11. Henry Sherburn -	Chickasaws - -	December 11, 1817
12. William Prince -	Vincennes - -	April 22, 1818
13. Alexander Wolcott -	The Lakes - -	" " "
14. Thomas Forsyth -	Missouri Territory -	" " "
15. George Boyd -	Mackinac - -	August 13, 1818
Subagents.		
1. Maurice Blondeau -	Peoria	
2. Peter Menard -	Missouri Territory	
3. Manuel Lisa -		
4. Gabriel Godfrey -		
5. Whitmore Knaggs -	Detroit	
6. John Johnson -	Fort Madison	
7. Jasper Parish -	Canandaigua	
9. Benjamin Parke -	Indiana Territory	
9. Philemon Hawkins -		
10. James Kennerly -	St. Louis	

E.

Present organization of the Indian Department.

Names and offices.	Stations.	Compensation.	
Superintendents.			
William Clark -	St. Louis - - -	$1,500	
The Governors of Michigan, Arkansas, and Florida, are, by law, superintendents of Indian affairs, and receive an allowance for office rent, clerk hire, and other contingent expenses, viz.			
Governor of Michigan	- - - -	1,500	
" Florida -	- - - -	850	
" Arkansas	- - - -	500	
			$4,350
Agents.			
Hugh Montgomery -	Cherokee agency, east -	1,300	
George Vashon -	do do west -	1,500	
John Campbell -	Creek do do -	1,500	
F. W. Armstrong -	Choctaw do do -	1,500	
Benjamin Reynolds -	Chickasaw do - -	1,300	
Jehiel Brooks -	Caddo do - -	1,200	
R. W. Cummins -	Delaware do - -	1,300	
P. L. Chouteau -	Osage do - -	1,500	
Marston G. Clark -	Kanzas do - -	1,000	
M. S. Davenport -	Sac and Fox agency - -	1,200	
John Dougherty -	Otto and Panis do - -	1,800	
Law. Taliaferro -	Sioux do - -	1,300	
Joseph M. Street -	Prairie du Chien - -	1,200	
George Boyd -	Green Bay - - -	1,500	
H. R. Schoolcraft -	Sault St. Marie and Mackinac	1,400	
Thomas J. V. Owen -	Chicago - - -	1,300	
William Marshall -	Longasport - -	1,200	
Wiley Thompson -	Tallahassee - - -	1,500	
			$24,500
Subagents.			
Leonard Tarrant -	Creek agency, east - -	500	
John McElvaine -	Wyandot do - -	500	
John F. A. Sanford -	Mandan do - -	800	
Jon. L. Bean -	Sioux do - -	800	
Andrew S. Hughes -	Ioway do - -	500	
Henry Gratiot -	Rock river do - -	500	
James Stryker -	New York do - -	500	
David McClellan -	Choctaw do west - -	500	

LIST—Continued.

Names and offices.	Stations.	Compensation.	
John L. Allen -	Chickasaw agency - -	$500	
F. W. Miller -	Delaware do - -	500	
Alexander McNair -	Osage do - -	500	
Horatio Groonis -	St. Peter's do - -	500	
T. B. Burnett -	Prairie du Chien - -	500	
George Johnston -	Sault St. Marie - -	500	
Francis Audrain -	Mackinac - - -	500	
Gholson Kercheval -	Chicago - - -	500	
N. D. Grover -	Fort Wayne - - -	500	
John Ruland - -	St. Louis - - -	500	
William Gordon -	do - - -	500	
Henry Conner -	Detroit - - -	500	
Kintzing Poichette -	do - - -	500	
David M. Sheffield -	Appalachicola - -	500	
Richard M. Hannum -	Little Rock - - -	500	
Robert A. McCabe -	Fort Winnebago - -	500	
James Jackson -	Maumee - - -	500	
William Pope -	Seminole - - -	500	
P. Menard, jr. -	Peoria - - -	500	
			$14,100
Interpreters.			
Andrew S. Hughes -	Ioway subagency - -	350	
John Ruland - -	St. Louis - - -	480	
Edmund A. Brush -	Detroit, French interpreter and	680	
	translator - - -	400	
Paddy Carr - -	Creek agency, east - -	400	
Alexander Sanders -	Cherokee do - -	400	
Middleton McKay -	Choctaw do - -	400	
R. M. Jones - -	Choctaw do west - -	480	
Jackson Kemp -	Chickasaw do - -	480	
Larkin Edwards -	Caddo do - -	480	
John W. Edwards -	Quapaw do - -	400	
Anthony Shane -	Shawnee do - -	400	
Baptiste - -	Delaware do - -	400	
B. Mongradier -	Osage do - -	400	
Clement Lessert -	Kanzas do - -	400	
Antoine Le Clair -	Rock Island agency - -	400	
Charles Mobrain -	Upper Missouri do - -	400	
Duncan Campbell -	St. Peter's do - -	420	
Amable Grignon -	Prairie du Chien do - -	400	
Richard Prichett -	Green Bay do - -	300	
George Johnston -	Sault St. Marie do - -	360 Indian	
Francis Audrain -	do do - -	250 French	
John M. Johnston -	do do - -	400 Chippewa	
B. Caldwell - -	Chicago do - -	480	

LIST—Continued.

Names and offices.	Stations.	Compensation.	
Joseph Barron -	Logansport agency - -	$500	
Toney Procter -	Appalachicola do - -	365	
Cudjoe - -	Seminole do - -	365	
Jeffrey Dorney -	Ioway do - -	400	
William Thornton -	Cherokees do west -	552	
Z. Rencourt - -	Sioux do - -	400	
F. Charbonneau -	Mandan do - -	400	
James Rankin -	Wyandot do - -	480	
Horatio Jones -	New York do - -	400	
Henry Gratiot -	Rock river do - -	480	
Jacques Mettez -	St. Louis do - -	450	
			14,272
			$57,222

RECAPITULATION.

4 Superintendents - - - - -	4,350
18 Agents - - - - -	24,500
27 Subagents - - - - -	14,100
34 Interpreters - - - - -	14,272
	$57,222

F.

Proposed organization of the Indian Department.

Officers.	Stations.	When to be discontinued.	Salaries.	Salaries discontinued.
Superintendents.				
Sup. Indian Aff.	St. Louis -	- - - -	$1,500	
do do	Michigan -	To be transferred to the Huron Territory when organized -	1,000	
Agents.				
	Western Territory	- - -	1,500	
	Do -	- - -	1,500	

LIST—Continued.

Officers.	Stations.	When to be discontinued.	Salaries.	Salaries discontinued.
	Chickasaws -	- - -	1,500	
	Eastern Cherokees	Dec. 31, 1834 -	1,500	
	Florida Indians -	do do -	1,500	
	State of Indiana -	do do 1836 -	1,500	
	Chicago - -	do do 1834 -	1,500	
	Rock Island -	do do 1836 -	1,500	
	Prairie du Chien	- - -	1,500	
	Michilimackinac & Sault St. Marie	- - -	1,500	
	St. Peter's -	- - -	1,500	
	Upper Missouri	- - -	1,500	
	Green Bay	- - -	1,500	
Subagents.				
	Creeks, east -	On removal of Creeks	750	
	Cherokees, east -	Do of Cherokees -	750	
	New York Indians	Do of N. York Indians	750	
	Wyandots of Ohio	Do of Wyandots -	750	
	Ottawas of do	Do of Ottawas -	750	
	Detroit - -	- - -	750	
	Peninsula west of Detroit -	- - -	750	
	Sault St. Marie -	- - -	750	
	Winnebago -	- - -	750	
	Sioux about the Big Bend - -	- - -	750	
	Mandans -	- - -	750	
	Ioways - -	- - -	750	
	Red river Caddoes	- - -	750	
	St. Louis -	- - -	750	
	Western Territory	- - -	750	
	Do -	- - -	750	
	Do -	- - -	750	
Interpreters.				
	New York -	- - -	300	
	Indiana - -	- - -	300	
	Detroit - -	- - -	300	
	Sault St. Marie -	- - -	300	
	Michilimackinac -	- - -	300	
	Green Bay -	- - -	300	
	Winnebago -	- - -	300	

LIST—Continued.

Officers.	Stations.	When to be discontinued.	Salaries.	Salaries discontinued.
	Chicago - -	- - -	300	
	Prairie du Chien	- - -	300	
	St. Peter's -	- - -	300	
	Rock Island -	- - -	300	
	St. Louis -	- - -	300	
	Ioway - -	- - -	300	
	Upper Missouri -	- - -	300	
	Chickasaws -	- - -	300	
	Seminoles -	- - -	300	
	Western Territory	- - -	300	
	Do -	- - -	300	
	Do -	- - -	300	
	Do -	- - -	300	
	Occasional employment at different places equal to the employment of three -	- - -	300	

Recapitulation of No. 1 brought forward - - - -		$57,222
Recapitulation with reference to the 31st December, 1836.		
2 Superintendents - - - - - -	$2,500	
8 Agents - - - - - - -	12,000	
12 Subagents - - - - - -	9,000	
23 Interpreters - - - - - -	6,900	
		30,400
Difference - -		$26,822

G.

Statement of appropriations for the Indian Department for the last five years, compared with those required by the proposed organization.

1829.	For expenses of the Indian Department - -	$146,100
1830.	Same - - - - - -	150,690
1831.	Same - - - - - -	151,140
1832.	Same - - - - - -	153,140
1833.	Same - - - - - -	140,300
	Average - - -	$148,274

Should the bill for reorganizing the Indian Department be passed as proposed by the Committee on Indian Affairs, the following is a probable estimate of the expenditures which will be required after that bill takes full effect. In the mean time, during the years 1835 and 1836, the agencies of Rock Island and Indiana will require an additional appropriation of $3,000 to pay the salaries of the agents.

Pay of Superintendent of Indian Affairs and agents	$13,500	
Sub-agents - - - - -	12,750	
Interpreters - - - - -	6,600	
Presents - - - - - - -	5,000	
Provisions - - - - - -	11,800	
Repair of houses - - - - - -	2,000	
Contingencies - - - - - -	10,000	
		61,650
Difference - - -		$86,824

It is impossible to say, at present, which of the tribes, now east of the Mississippi, will require a subagent or interpreter, after their removal. It may, however, be estimated, that, on the completion of the removal, five or six of the subagents, and perhaps an equal number of interpreters, may be discontinued, and the permanent expenditures of the department thus brought down to about the sum of $55,000.

H.

Statement showing the annual expenditures of the Indian Department from the adoption of the Federal Constitution to the 31*st December*, 1833, *and the amount appropriated in each year, to* 1822.

Years.	Expenditure, exclusive of Indian annuities and treaty stipulations.	Indian annuities and treaty stipulations.	Total expenditure in each year.	Amount appropriated in each year.
To Dec. 31 1791	-	$27,000	$27,000	$39,424 71
1792	$13,120 22	528 63	13,648 85	-
1793	1,088	24,000	25,088	*150,000
1794	13,042 46	-	13,042 46	50,000
1795	21,219 68	-	21,219 68	80,000
1796	58,000	55,563 98	113,563 98	70,500
1797	38,817 25	23,579 33	62,396 58	6,710 68
1798	-	15,300	15,300	96,880
1799	-	20,080	20,080	101,500
1800	-	-	-	49,000
1801	-	9,000	9,000	72,000
1802	32,000	20,000	52,000	71,750
1803	-	-	-	73,500

* Of this, $50,000 was for the Indian Department for that year.

STATEMENT—Continued.

Years.	Expenditure, exclusive of Indian annuities and treaty stipulations.	Indian annuities and treaty stipulations.	Total expenditure in each year.	Amount appropriated in each year.
1804	-	$53,009	$53,009	$90,500
1805	$100,000	41,000	141,000	94,400
1806	75,000	-	75,000	130,125
1807	44,000	60,825	104,825	128,100
1808	2,250	70,725	72,975	202,100
1809	43,353 84	169,150	212,503 84	125,600
1810	23,800	58,225	82,025	151,450
1811	4,150	57,725	61,875	153,000
1812	-	55,975	55,975	184,500
1813	16,883 28	55,475	72,358 28	164,500
1814	10,294 86	-	10,294 86	464,500
1815	4,500	111,750	116,250	200,000
1816	17,437 16	82,075	99,512 16	228,600
1817	228,187 65	91,276 06	319,463 71	247,450
1818	275,294 73	230,409 54	505,704 27	285,000
1819	88,481 08	185,522 77	274,003 85	373,171 38
1820	18,400	197,278 01	215,678 01	205,000
1821	18,750	118,050	136,800	343,855 44
1822	50,928 41	402,496 87	453,425 28	
1823	135,264 11	244,517 71	379,781 82	
1824	145,708 25	274,779 65	420,487 90	
1825	163,866 13	536,740 31	700,606 44	
1826	203,264 54	540,183 29	743,447 83	
1827	155,447 83	495,886 05	651,333 88	
1828	190,482 37	424,542 30	615,024 67	
1829	174,862 81	400,625 38	575,488 19	
1830	179,595 99	424,362 85	603,958 84	
1831	396,850 56	533,514 17	930,364 73	
1832	521,020 28	831,399 47	1,352,419 75	
1833	158,295 91	1,654,384 97	1,812,680 88	
	3,623,657 40	8,596,955 34	12,220,612 74	

NOTE.—The first act of appropriation passed in fulfilment of a treaty, provided for the payment of the annuity, limited or permanent, for the whole of their respective terms. The amount of the appropriation in a subsequent year would be less than the sum expended in that year by the amount of the annuity thus provided. This practice continued until 1832.

WAR DEPARTMENT, *May* 13, 1834.

SIR: In compliance with a resolution of the House of Representatives of the 30th of January last, I have the honor to transmit, herewith, two reports; one from the Commissioner of Indian Affairs, and the other from the Commissary General of Subsistence, together with a tabular statement

accompanying each, exhibiting: "the present and future liabilities of the United States to Indians and Indian tribes, under existing Indian treaties."

Very respectfully,

Your most obedient servant,

LEW. CASS.

Hon. ANDREW STEVENSON,
Speaker of the House of Representatives.

DEPARTMENT OF WAR,
Office Indian Affairs. February 8, 1834.

SIR: In obedience to a resolution of the House of Representatives of the 30th ultimo, I have the honor to submit a tabular statement of the present and future liabilities of the United States to Indian tribes, under existing treaties.

This statement embraces every thing called for by that resolution, except the number of Indians to be removed, and the expense of their removal, including the gratuities to be given to those who shall emigrate, which will be furnished by the Commissary General of Subsistence, who is entrusted with the superintendence of that branch of the business of the Indian Department. Very respectfully,

I have the honor to be,

Your obedient servant,

ELBERT HERRING.

Hon. LEWIS CASS,
Secretary of War.

EMIGRATION OF INDIANS,
OFFICE COMMISSARY GENERAL OF SUBSISTENCE,
April 30, 1834.

SIR: Herewith I have the honor to transmit a "statement," made in conformity with so much of a resolution of the House of Representatives of the 30th of January, 1834, as relates to the removal of Indians, "showing the stipulations for removing Indians from the east to the west side of the Mississippi, with an estimate of the number of Indians to be removed, and of the expenses incident to their removal."

It will be seen that the various articles usually termed presents, consisting of arms, ammunition, agricultural, and manufacturing implements, &c. are included in my statement, for the reason that the supplying of them usually depends upon the removal west of the tribe to which they are furnished. They are therefore considered as contingent upon the emigration.

I have only noticed such treaties as are not provided for by law; there are several instances, not included in the statement, in which the treaty stipulations have not been fulfilled by the United States; but it is because of a non-compliance, on the part of the Indians, with their engagement to remove. In other instances, the stipulations are in the course of fulfilment under the provisions already made. As these cases do not involve either present or future liability, as it is understood in the resolution, they are excluded from the statement, which, I believe, comprehends every thing embraced by that part of the resolution which relates to the branch of Indian business confided to my supervision.

Very respectfully, your most obedient servant,

GEO. GIBSON, *C. G. S.*

Hon. LEWIS CASS,
Secretary of War.

I.—*A STATEMENT of the present and future liabilities of the United States to the dates of the treaties, the names of the tribes parties thereto, the dates of the money or goods stipulated to be paid or delivered, and the specific services and thereof, the place where to be performed or delivered, with an estimate of the of the annuities, stipulations, services, and articles to be annually paid, executed,*

Number.	Date of the treaty.	Date of the appropriation.	Names of the tribes.	Annuities.		Term.	
				Permanent.	Limited.	Years.	Expiration.
1	'92, April 23						
	'94, Nov. 11	'99, Feb. 25	Six Nations(*a*) - -	$4,500			
		'16, April 26	- - - -	-	(*b*)200	Life	a chief
					(*c*)50	-	-
2	'97, Sept. 15	'31, Feb. 19	Senecas, of New York(*d*)	6,000	-	-	-
3	'95, Aug. 3	'96, May 6	Ottawas(*e*) - -	1,000			
	'07, Nov. 17	'08, Feb. 19	- - - -	800			
	'18, Sept. 17	'19, March 3	- - - -	1,500			
	'21, Aug. 29	'22, May 7	- . - -	1,000	-	-	-
4	'95, Aug. 3	'96, May 6	Wyandots(*f*) - -	1,000			
	'07, Nov. 17	'08, Feb. 19	- - - -	400			
	'17, Sept. 29	'19, March 3	} - - -	4,500	-	-	-
	'18, Sept. 17	'19, March 3					
5	'05, July 4	'06, April 21	Wyandots, Munsees, and Delawares.(*g*)	1,000	-	-	-
6	'23, Nov. 8	'26, May 20	Christian Indians(*h*) -	-	400	-	-
7	'26, Oct. 23	'27, March 2	Miamies(*i*) - -	25,000			
						Per	m'nent
	'18, Oct. 6	'26, May 20	- - - -	-	-	-	-
	'26, Oct. 23	'27, March 2	- - - -	-	-	Pl.of	Cong.
8	'95, Aug. 3	'96, May 6	Eel River(*k*) - -	500			
	'05, Aug. 21	'06, April 21	- - - -	250			
	'09, Sept. 30	'10, May 1	- - - -	350	-		-
9	'95, Aug. 3	'96, May 6	Pattawatamies(*l*) -	1,000			
	'03, June 7	'26, May 20	- - - -	-	-	Per	m'nent
	'09, Sept. 30	'10, May 1	- - - -	500			
	'18, Oct. 2	'19, March 3	- - - -	2,500			
	'21, Aug. 29	'22, May 7	- - - -	-	5,000	20	1841
	'26, Oct. 16	'27, March 2	- - - -	-	2,000	22	1848
						Pl.of	Cong.
						Per	m'nent
	'28, Sept. 20	'29, March 3	- - - -	2,000			
					1,000	20	1848
						10	1838
						Pl.of	Cong.
					100	Life	a chief
						Per	m'nent

REMARKS.

(*a*) $1,500 by agreement with President Washington, in 1792. Goods; and payable within the agency. (*b*) Money; annuity to Young King. (*c*) Money; grant to Little Billy for military services.

(*d*) Goods, in lieu of $100,000 stock, payable within the agency.

(*e*) Money. By the 4th article of the treaty of September 29, 1817, all the annuities to this tribe are payable in silver, part at their reservation west, and part at Maumee, Ohio.

(*f*) Money; same provisions under treaty of September 29, 1817; payable part at their reservation west, and part at Upper Sandusky, Ohio.

Indians, and Indian tribes, under existing treaties, exhibiting, in a tabular form, acts of appropriation, the several sums and annuities, designating whether in specific articles stipulated to be performed for and delivered to them, the term expense of the performance of such stipulations; and showing the whole amount performed, or delivered to each tribe, under the several treaties concluded with it.

Education.	Blacksmith.	Farmers.	Laborers.	Millers.	Millwright.	Iron, coal, & steel.	Salt.	Agricultural implements.	Tobacco.	Transportation and contingencies.	Total amount for each tribe.	Specific stipulations to be executed this year.
-	-	-	-	-	-	-	-	-	-	100	4,850	
-	-	-	-	-	-	-	-	-	-	-	6,000	
-	-	-	-	-	-	-	-	-	-	-	4,300	
-	-	-	-	-	-	-	-	-	-	150	6,050	
-	-	-	-	-	-	-	-	-	-	-	1,000	
-	-		-	-	-	-	-	-	-	-	400	
-	-	-	480	-	-	470	-	-	150			
-	600	-	-	-	-	-	320					
2,000	-	-	-	-	-	-	-	-	-	75	29,095	
-	-	-	-	-	-	-	-	-	-	-	1,100	
-	-	-	-	-	-	-	140			-		
2,000	-	-	-	-	-	-	-	-	-	-	-	(m)1,500
-	720	-	-	300	-	180	320	-	-	-	-	(n)1,000
-	-	-	360	-	-	260	-	-	240			
1,000												
-	1,000	-	-	-	-	-	-	-	-	75	(o)20,695	

REMARKS—Continued.

(g) Money; payable within Delaware agency west.

(h) Money. This annuity, granted to this band, raised by the sale of lands in Ohio; payable at reservation.

(i) Money. In lieu of all former annuities; payable within Indiana agency.

(k) Money; payable within Indiana agency.

(l) Money; by this treaty all former annuities are to be paid in specie. (m) For expenses of selecting and locating reservations under the treaties of 1832. (n) For payment for horses delivered to Indians, and for claims, under treaties of 1832. (o) Money; payable at Logansport, Chicago, and Detroit.

STATEMENT—

Number.	Date of the treaty.	Date of the appropriation.	Names of the tribes.	Annuities.		Term.	
				Permanent.	Limited.	Years.	Expiration.
10	'07, Nov. 17	'08, Feb. 19	Pattawatamies, of Huron	(*a*) 400	-	-	-
11	'32, Oct. 20	'33, March 2	Ditto of the Prairie	(*b*)	15,000	20	1853
					1,000	Life	3 chiefs
12	'32, Oct. 26	'33, March 2	Ditto of the Wabash	(*c*) -	20,000	20	1852
13	'32, Oct. 27	'33, March 2	Ditto of Indiana (*d*)	-	15,000	12	1844
						Pl. of	Cong.
14	'29, July 29	'30, Mar. 25	Chippewas, Ottawas, and Pattawatamies. (*e*)	16,000	-	Per	m'nent
15	'29, Aug. 1	Do	Winnebagoes (*f*) -	-	18,000	30	1859
	Do	Do	- - - -	-	-	-	-
	'32, Sept. 15	'32, March 2	- - - -	-	10,000	27	-
	Do	Do	- - - -	-	-	-	-
	Do	Do	- - - -	-	(*i*) 400	-	-
16	'31, Feb. 8	Do	Menomonees (*k*) - -	-	5,000	4	1834
	Do	Do	- - - -	-	-	10	1842
	Do	Do	- - - -	-	6,000	12	1844
	Do	Do	- - - -	-	-	Pl. of	Pres'dt
	Do	Do	- - - -	-	-	10	1842
	Do	Do	- - - -	-	(*n*) 1,000	4	1836
17	'95, August 3	'96, May 6	Chippewas - -	1,000	-	-	-
	'07, Nov. 17	'08, Feb. 19	- - - -	(*q*) 800			
	'19, Sept. 24	'20, May 15	- - - -	1,000			
	Do	'22, May 7	- - - -	-	-	Pl. of	Pres'dt
	'26, Aug. 5	'27, March 2	- - - -	-	-	Pl. of	Cong.
18	'27, Aug. 11	'30, May 20	Chippewas, Menomonees, Winnebagoes, and New York Indians.	-	-	-	-
19	'30, July 15	'31, March 2	Sioux of the Mississippi,	-	2,000	10	1840
20	'30, July 15	'31, March 2	Yancton and Santie bands of Sioux, - -	-	3,000	10	1840
21	'30, July 15	'31, March 2	Omahas, - -	-	2,500	10	1840
22	'30, July 15	'31, March 2	Sacs of the Missouri, -	-	500	10	1840
23	'30, July 15	'31, March 2	Sacs, - -	-	3,000	10	1840
24	'30, July 15	'31, March 2	Foxes, - -	-	3,000	10	1840
25	'24, Aug. 4	'25, March 3	Ioways, - -	-	500	10	1834
			- - - -	-	-	Plsr.	Pres't
	'30, July 15	'31, March 2	- - - -	-	2,500	10	1840

REMARKS.

(*a*) Money; payable at Logansport and Fort Wayne.

(*b*) Money; payable at Logansport and Fort Wayne.

(*c*) Money; payable at Logansport and Fort Wayne, under the act of March 2, 1833, for these three bands.

(*d*) Money; payable at Logansport and Fort Wayne.

(*e*) Money; payable at Chicago.

(*f*) All the annuities for this tribe are payable in money, at Prairie du Chien and Fort Winnebago. (*g*) Under act of March 2, 1833. (*h*) Under act of February 20, 1833. (*i*) For the support of two physicians.

(*k*) By this treaty $20,000 was stipulated to be paid to this tribe; $5,000 in August following the date of the treaty, and $5,000 annually thereafter. By an oversight the $5,000 due in 1832 was not asked for; this sum is now required to meet the payment for that year. The annuities to this tribe are payable at Green Bay. (*l*) For improvements on lands on the east

Continued.

Education.	Blacksmith.	Farmers.	Laborers.	Millers.	Millwright.	Iron, coal, & steel.	Salt.	Agricultural implements.	Tobacco.	Transportation and contingencies.	Total amount for each tribe.	Specific stipulations to be executed this year.
-	-	-	-	-	-	-	-	-	-	-	400	
-	-	-	-	-	-	-	-	-	-	-	16,000	
-	-	-	-	-	-	-	-	-	-	2,000	22,000	
2,000	-	-	-	-	-	-	-	-	-	-	17,000	
-	-	-	-	-	-	-	125	-	-	-	16,125	
	2,340	-	365	-	-	660	125	-	300			
-	-	-	-	-	-	-	-	-	-	(g)450		
3,000	-	2,500	-	-	-	-	-	-	150	(h)1,500		
-	-	-	-	-	-	-	-	-	-	160	39,950	
-	-	-	-	-	-	-	-	-	-	-	-	5,000
-	-	4,000	-	600								
-	1,000	-	-	-	-	-	-	-	-	-	-	(l)25,000
500	-	-	-	-	-	-	-	-	-	-	-	(m)1,600
-	-	-	-	-	-	-	-	-	-	-	18,100	(o)2,500
-	-	-	-	-	-	-	-	-	-	-	-	(p)7,000
-	480	864	-	-	-	100	-	556				
1,000	-	-	-	-	-	-	-	-	-	(r)1,000	6,800	
1,500	-	-	-	-	-	-	-	-	-	-	(s)1,500	
-	1,000	-	-	-	-	-	-	700	-	-	(t)4,250	
										550		
-	1,000	-	-	-	-	-	-	400	-	-	(u)4,400	
-	1,000	-	-	-	-	-	-	500	-	-	(v)4,000	
-	700	-	-	-	-	-	-	200	-	-	(w)1,400	
-	-	-	-	-	-	-	-	-	-	-	(x)3,000	
-	-	-	-	-	-	-	-	-	-	-	(y)3,000	
-	780	-	-	-	-	250	-	400				
-	300	-	-	-	-	-	-	600	-	100	(z)5,430	

REMARKS—Continued.

side of Fox river; treaty ratified July 9, 1832; Stockbridge and Munsee tribes. (*m*) For improvements on lands on the east side of Fox river, for the Brothertown band. (*n*) For provisions. (*o*) For expense of running lines, $2,000 for the same band. For compensation to commissioner $500, to value improvements.

(*p*) For expense of running lines between Chippewas and Sioux, under treaty of August 19, 1825. (*q*) Payable in goods or money, at Green Bay. (*r*) Under act of February 20, 1833.

(*s*) Money; payable at Green Bay.
(*t*) Money; payable at their sub-agency.
(*u*) Money; payable at St. Peter's.
(*v*) Money; payable at Council Bluffs.
(*w*) Money; payable at Rock Island.
(*x*) Money; payable at Rock Island.
(*y*) Money; payable at Rock Island.
(*z*) Money; payable within the sub-agency.

STATEMENT—

Number.	Date of the treaty.	Date of the appropriation.	Names of the tribes.	Annuities.		Term.	
				Permanent.	Limited.	Years.	Expiration.
26	'04, Nov. 3	'05, March 3	Sacs and Foxes, (*a*) -	1,000			
	'24, Aug. 4	'25, March 3	- - - - -	-	1,000	10	1835
				-	-	Plsr.	Pres't
	'32, Sept. 21	'33, March 3	- - - - -		20,000	30	1862
27	'30, July 15	'31, March 2	Sacs, Foxes, and Ioways -	-	-	10	1840
28	'30, July 15	'31, March 2	Ottoes and Missourias, -	-	2,500	10	1840
29	'25, June 3	'26, May 20	Kanzas - - - -	-	3,500	20	1845
					-	Per	man'nt
30	'08, Nov. 10	'11, March 3	Osages, (*g*) - -	1,500			
	'25, June 2	'26, May 20	- - - - -	-	(*h*)7,000	20	1845
				-	-	Per	man'nt
31	'19, July 30	'20, May 15	Kickapoos, - -	-	(*i*)2,000	15	1834
	'32, Oct. 24	'33, March 2	- - - - -	-	(*k*)5,000	19	1851
					-	10	1842
					-	5	1837
33	'32, Oct. 27	'33, March 2	Kaskaskias and Peorias, (*m*)	-	3,000	10	1842
					-	4	1836
34	'32, Oct. 29	'33, March 2	Kaskaskias, with Weas and Piankeshaws, -	-	-	5	1837
35	'95, Aug. 3	'96, May 6	Piankeshaws, (*p*) -	500			
	'05, Dec. 30	'07, March 3	- - - - -	300			
	'32, Oct. 29	'33, March 3	- - - - -	-	-	5	1837
36	'18, Oct. 2	'19, March 3	Weas, (*r*) - -	3,000	-	-	-
37	'95, Aug. 3	'96, May 6	Delawares - -	1,000			
	'03, June 7	'26, May 20	- - - - -	-	-	Per	man'nt
	'09, Sept. 30	'10, May 1	- - - - -	500			
	'18, Oct. 3	'19, March 3	(*s*) - - -	4,000			
	'29, Sept. 24	'31, March 2	- - - - -	1,000			
	'32, Oct. 26	'33, March 2	- - - - -	-	300	Life	3 chiefs
38	'95, Aug. 3	'96, May 6	Shawanees, (*u*) - -	1,000			
	'03, June 7	'26, May 20	- - - - -	-	-	Per	man'nt
	'17, Sept. 29	'19, March 3	- - - - -	2,000			
	'31, Aug. 8	'32, June 4	- - - - -	-	-	Per	mannt
			- - - - -	-	2,000	15	1847
39	'32, Oct. 26	'33, March 2	Shawanees and Delawares, (*w*) -	-	-	5	1837
				-	-	3	1835
40	'18, Sept. 17	'19, March 3	Shawanees and Senecas of Lewistown, (*y*)	1,000			
	'31, July 20	'32, June 4		-	-	Per	man'nt

REMARKS.

(*a*) The annuities to these Indians are payable, part in money, part in merchandise or stock, at Rock Island.

(*b*) For running lines and marking out reservations under the first and second articles of the treaty of September 21, 1832.

(*c*) Under the act of February 20, 1833.

(*d*) Under the act of March 2, 1833.

(*e*) Money; payable at Council Bluffs.

(*f*) Money or goods at their villages on the Kanzas river.

(*g*) This annuity payable in merchandise at Fire Prairie.

(*h*) This annuity payable in money, merchandise, provisions, or stock, at White Hair village.

(*i*) Money. Paid by General Clark; place not determined.

(*k*) Merchandise. Paid by General Clark; place not determined.

(*l*) Under the act of March 2, 1833.

(*m*) Money, merchandise, or stock, payable at Peoria village.

Continued.

Education.	Blacksmiths.	Farmers.	Laborers.	Millers.	Millwrights.	Iron, coal, and steel.	Salt.	Agricultural implements.	Tobacco.	Transportation and contingencies.	Total amount for each tribe.	Specific stipulations to be executed this year.
-	-	-	-	-	-	-	-	-	-	800	-	(b)2,000
-	1,260	-	-	-	-	250	-	60	-	(c)3,200		
-	800	-	-	-	-	350	200	-	400	(d)300	29,620	
3000	-	-	-	-	-	-	-	-	-	-	3,000	
-	1,000	-	-	-	-	-	-	500	-	300	(e)4,300	
-	-	-	-	-	-	-	-	1600	-	400	(f)5,500	
-	600	-	-	-	-	-	-	1600	-	700	11,400	
500												
-	1,000	-		-	-	-	-	-	-	(l)1,000	9,500	
-	-	-	-	-	-	-	-	50	-	(n)400	3,450	
-	1,000	-	-	-	-	-	-	-	-	-	(o)1,000	
-	-	-	-	-	-	-	-	500	-	(q)200	1,500	
-	-	-	-	-	-	-	-	-	-	-	3,000	
-	-	-	-	-	-	-	100					
-	-	-	-	-	-	-	-	-	-	500	(t)7,400	
-	-	-	-	-	-	-	60					
-	600	-	-	-	-	180	-	-	-	-	(v)3,840 }	
-	-	-	-	-	-	-	-	-		-	2,000 }	
-	-	-	-	500								
500	-	-	-	-	-	-	-	-	-	(x)800	1,800	
-	600	-	-		-	180	-	-	-	(z)1,050	2,830	

REMARKS—Continued.

(n) Under the act of March 2, 1833.
(o) Money; at Delaware agency.
(p) Money; at Delaware agency.
(q) Under the act of March 2, 1833, for Weas and Piankeshaws, with the Piankeshaws.
(r) Money; at Delaware agency. Annuities of 1795, 1805, and 1809, consolidated.
(s) This treaty provides that all former annuities shall be paid in silver.
(t) Money; at the Delaware agency.
(u) By this treaty, all annuities made payable in silver at Delaware agency.
(v) Under the act of July 14, 1832, an appropriation of this sum annually for fifteen years; additional compensation for reservation.
(w) Money; at Delaware agency.
(x) Under the act of March 2, 1833.
(y) Money; at Delaware agency.
(z) Under the act of February 20, 1833, for the tribes which emigrated from Ohio.

STATEMENT—

Number.	Date of the treaty.	Date of the appropriation	Names of the tribes.	Annuities. Permanent.	Annuities. Limited.	Term. Years.	Term. Expiration.
41	'17, Sep. 29 / '18, Sep. 17	'19, March 3	Senecas of Lewistown, (*a*)	1,000			
	'31, Feb. 28	'33, Feb. 20	-	-		Per	man'nt
42	'01, Dec. 17	'02	Choctaws,	-	(*b*) 2,000	Plsr.	U. S.
	'05, Nov. 16	'08, Feb. 19	-	(*c*) 3,000			
			-	(*d*) 400			
	'16, Oct. 24	'17, March 3	-	-	6,000	20	1836
	'20, Oct. 18	'22, May 7	-	(*e*) 600			
			-	-	150	Life	a chief
	'25, Jan. 20	'25, March 3	-	(*f*) 6,000			
42	'25, Jan. 20	'25, March 3	Choctaws,	-	6,000	16	1840
	'25, Jan. 20	'25, March 3	-	-	150	Life	a chief.
	'30, Sept. 27	'31, March 2	-	-	-	20	1840
	'30, Sept. 27	'32, June 4	-	-	20,000	-	1851
	'30, Sept. 27	'31, March 2	-	-	-	16	1846
	'30, Sept. 27	'31, March 2	-	-	-	5	1835
	'30, Sept. 27	'31, March 2	-	-	(*h*) 1,100	20	1850
	'30, Sept. 27	'31, March 2	-	-	(*i*) 5,175	4	1834
	'30, Sept. 27	'31, March 2	-	-	500	Life	a chief.
43	'94, July 15	'99, Feb. 25	Chickasaws	3,000	-	-	-
44	'90, Aug. 7	'99, Feb. 25	Creeks	(*m*) 1,500	-		
	'02, June 16	'19, March 3	-	(*n*) 3,000	-	-	-
	'21, Jan. 8	'23, March 3	-	-	10,000	6	1835
45	'26, Jan. 24	'26, May 22	Creeks, West (*q*)	20,000	-	Per	manent
46	'32, March 24	'32, June 4	Creeks, East (*r*)	-	12,000	5	1837
	'32, March 24	'32, June 4	-	-	-	20	1851
	'32, March 24	'33, Feb. 23	-	-	-	20	1852
	'32, March 24	'32, June 4	-	-	400	Life	3 chiefs
47	'94, June 26 / '98, Oct. 2	'99, Feb. 25	Cherokees (*v*)	6,000			
	'04, Oct. 24	'25, March 3	-	(*w*) 1,000			
	'05, Oct. 25	'06, April 21	-	(*x*) 3,000	-	-	-
48	'28, May 6	'28, May 28	Cherokees, West	-	-	10	1839
49	'18, Aug. 24	'19, March 3	Quapaws	(*b*) 1,000	-		
	'24, Nov. 15	'25, March 3	-	-	(*c*) 1,000	11	1835
50	'23, Sept. 18	'24, May 6	Florida Indians (*d*)	-	5,000	20	1843
	'23, Sept. 18	'24, May 6	-	-	-	-	-
	'32, May 9	-	Seminoles, (*e*)	-	3,000	15	-
				$139,300	235,925		

REMARKS.

(*a*) Money, at Delaware agency. (*b*) This annuity payable in money or goods. (*c*) This annuity payable in merchandise. (*d*) This annuity granted in consideration of the consent of the tribe to the establishment of tavern stands. (*e*) For the support of light horse. (*f*) This sum to be applied for twenty years in support of schools; after that to be vested in stock, as the tribe may direct. (*g*) For payment for horses lost while emigrating west, under the treaty of September 27, 1832. Payable at Fort Smith, Arkansas Territory. (*h*) For the support of the principal and the three chiefs of each of the three districts. Payable at Fort Smith, Arkansas Territory. (*i*) For three speakers, three secretaries, and ninety-nine captains. Payable at Fort Smith, Arkansas Territory.

(*k*) For twenty warriors of Wayne's army. (*l*) For running boundaries between the Choctaws and Chickasaws, under the treaty of October 20, 1832. The annuity for this tribe is applied, by their request, to education and the support of a blacksmith.

(*m*) Money; at agency east, in part, and at agency west, in part. (*n*) Money; at agency east, in part, and at agency west, in part. (*o*) Money, merchandise, or agricultural implements; at agency west, in part.

Continued.

Education.	Blacksmiths.	Farmers.	Laborers.	Millers.	Millwrights.	Iron, coal, and steel.	Salt.	Agricultural implements.	Tobacco.	Transportation and contingencies.	Total amount for each tribe.	Specific stipulations to be executed this year.
-	600	-	-	400	-	350	-	-	-	100	2,450	
-	-	-	-	-	-	-	-	-	-	-	-	g1,852 00
12,500												
-	1,800	-	-	-	-	555						
-	-	-	-	-	600							
-	-	-	-	-	-	-	-	-	-	-	k66,530 00	l1,500 00
-	-	-	-	-	-	-	-	-	-	-	3,000 00	
-	-	-	-	-	-	-	-	-	-	300 00		
-	-	-	-	-	-	-	-	-	-	231 25	15,031 25	
-	1,000	-	-	600	-	-	-	2000	-	300 00	23,900 00	
3,000												
-	(t) 600	-	-	-	-	355			-	-	16,355 00	u 8,000 00
-	-	-	-	-	-	-		-				
-	-	-	-	-	-	-	-	-	-	-	10,000 00	(y) 466 67
z 2,000	-	-	-	-	-	-	-	-	-	-	2,000 00	(a) 258 33
-	-	-	-	-	-	-	-	-	-	-	2,000 00	
1,000	1,000	-	-	-	-	-	-	-	-	-	7,000 00	
-	-	-	-	-	-	-	-	-	-	-	3,000 00	f15,400
												g7,000 00
35,500	22,780	7,364	1205	2400	600	4140	1390	9666	1240	16,741 25	468,251 25	80,077 00

OFFICE INDIAN AFFAIRS, *February* 8, 1834.

ELBERT HERRING.

REMARKS—Continued.

(*p*) Under the act of February 20, 1833. (*q*) Money; payable at western agency.

(*r*) Money. After five years an annuity of $10,000 is to be paid for fifteen years, at eastern agency. (*s*) Money. (*t*) Money; another blacksmith is to be provided when two-thirds have emigrated. (*u*) For certifying contracts under this treaty.

(*v*) Merchandise. (*w*) Money. (*x*) Money. (*y*) Expense of defending Cherokee title to reservations. (*z*) Money, payable at Fort Gibson. (*a*) Payment of Cherokee claims under the treaty of May 6, 1828. (*b*) Merchandise, payable within Arkansas superintendency. (*c*) Money; payable within Arkansas superintendency. (*d*) Money; payable at Tallahassee, and on the Appalachicola. (*e*) By this treaty the United States agree to continue the blacksmith until 1854. (*f*) In payment of land and improvements.

(*g*) In payment for property stolen or destroyed.

RECAPITULATION.

Annuities.		
Permanent,	$139,300	
Limited,	235,925	
		$375,225 00
Education,		35,500 00
Treaty stipulations.		
Blacksmiths,	22,780	
Farmers,	7,364	
Laborers,	1,205	
Millers,	2,400	
Millwrights,	600	
Iron, steel, and coal,	4,140	
Salt,	1,390	
Agricultural implements,	9,666	
Tobacco,	1,240	
		50,785 00
Transportation and contingencies,		16,741 25
		468,251 25
Specific stipulations to be executed this year,		80,077 00
		$548,328 25

J.

A statement, showing the stipulations for removing Indians from the east to the west side of the Mississippi, with an estimate of the number of Indians to be removed, and of the expenses incident to their removal, as called for by a resolution of the House of Representatives, dated January 30, 1834.

Names of tribes, dates of treaties, and the stipulations for removing the Indians from the States.	Estimated population east of the Mississippi.	Estimated cost of their removal west of the Mississippi, and of their subsistence one year after their arrival in the new country.	Estimated cost of the presents, the furnishing which is contingent on their removal west.	Total expense of the removal, with its incidents.	REMARKS.
CHEROKEES. The United States made a treaty with the Cherokees west of the Mississippi, on the 6th of May, 1828, by which those Indians agreed to remove out of the Territory of Arkansas into the limits assigned thereby to them west of that territory. By the 8th article of this treaty, the United States obligate themselves to extend to the Cherokees east of Mississippi the benefits of this treaty, on condition of removal. The following is the article alluded to: "Article 8. The Cherokee nation, west of the Mississippi, having, by this agreement, freed themselves from the harassing and ruinous effects consequent upon a location amidst a white population, and secured to themselves and their posterity, under the solemn sanction of the guarantee of the United States, as contained in this agreement, a large extent of unembarrassed country; and, that	Georgia, 2,500 Alabama, 2,000 N. Caro. 3,000 Tenn. 1,500	Dollars. Remv'l, 180,000 Subs. 295,750	Rifles. Dollars. 1,900—12,500 Kettles. 1,500--4,500 Blankets. 1,500—5,250 Tobacco. 7,500 lbs.—750 23,000		Total Cherokee population estimated at 15,000 souls. The treaty has been construed to give to each head of family one* rifle, one blanket, and five pounds tobacco. The following shows the amount of each to which they are entitled, and how much will remain due to the tribe after removal: Rifles, whole No. - 2,500 Furnished - - - 1,500 To be supplied - 1,000

Names of tribes, dates of treaties, and the stipulations for removing the Indians from the States.	Estimated population east of the Mississippi.	Estimated cost of their removal west of the Mississippi, and of their subsistence one year after their arrival in the new country.	Estimated cost of the presents, the furnishing which is contin ent on their emoval west.	Total expense of the removal, with its incidents.	REMARKS.
their brothers yet remaining in the States may be induced to join them, and enjoy the repose and blessings of such a state in future, it is further agreed, on the part of the United States, that to each head of a Cherokee family now residing within the chartered limits of the State of Georgia, or either of the States east of the Mississippi, who may desire to remove west, shall be given, on enrolling himself for emigration, a good rifle, a blanket, and kettle, and five pounds of tobacco, (and to each of his family one blanket;) also a just compensation for the property he may abandon, to be assessed by persons to be appointed by the President of the United States. The cost of the emigration of all such shall also be borne by the United States, and good and suitable ways opened, and provisions procured for their comfort, accommodation, and support, by the way, and provisions for twelve months after their arrival at the Agency; and to each person, or head of a family, if he take along with him four persons, shall be paid immediately on his arrival at the Agency, and reporting himself and family, or followers, as					Kettles, whole No. 2,500 Furnished - 1,000 To be supplied - 1,500 Blankets, whole No. 2,500 Furnished - - - 1,000 To be supplied - 1,500 Tobacco, whole quantity - - - 12,500 Furnished - - - 5,000 To be supplied - 7,500
emigrants and permanent settlers, in addition to the above, provided he and they shall have emigrated from within the chartered limits of the State of Georgia, the sum of fifty dollars, and this sum in proportion to any greater or less number that may accompany him from within the aforesaid chartered limits of the State of Georgia."	- -	- -	25,000	- -	The 2,500 Cherokees from Georgia to get a gratuity of 10 dollars each.
	9,000	475,750	48,000	523,750	* To each male head a rifle.
SEMINOLES. "Article 1. The Seminole Indians relinquish to the United States all claim to the land they at present occupy in the Territory of Florida, and agree to emigrate to the country assigned to the Creeks, west of the Mississippi river; it being understood that an additional extent of territory, proportioned to their numbers, will be added to the Creek country, and that the Seminoles will be received as a constituent part of the Creek nation, and be readmitted to all the privileges as a member of the same.	5,000	Removal, $90,000 Subsistence for 12 months, 182,500			
"Article 3. The United States agree to distribute, as they arrive at their new homes, in the Creek territory, west of the Mississippi river, a blanket and a home-spun frock, to each of the warriors, women, and children of the Seminole tribe of Indians.			Blankets, $17,500 Frocks, 10,000		
"Article 5. The United States will take the cattle belonging to the Seminoles, at the valuation of some discreet person, to be appointed by the President, and the same shall be paid for in money to the respective owners, after their arrival at their new homes; or other cattle, such as may be desired, will be furnished them, notice being given through their agent of their wishes upon this subject, before their removal,			Loss on cattle, 5,000		The experience of the Department has taught, that the amount for which Indian cattle can be sold on this side of the Mississippi falls greatly short of the cost of the cattle on the hoof west of that river.

Names of tribes, dates of treaties, and the stipulations for removing the Indians from the States.	Estimated population east of the Mississippi.	Estimated cost of their removal west of the Mississippi, and of their subsistence one year after their arrival in the new country.	Estimated cost of the presents, the furnishing which is contingent on their removal west.	Total expense of the removal, with its incidents.	REMARKS.
that time may be afforded to supply the demand. "Article 7. The Seminole Indians will remove within three (3) years after the ratification of this agreement; and and the expenses of their removal shall be defrayed by the United States; and such subsistence shall also be furnished them for a term not exceeding twelve (12) months, after their arrival at their new residence, as in the opinion of of the President their numbers and circumstances may require; the emigration to commence as early as practicable in the year eighteen hundred and thirty-three (1833;) and with those Indians at present occupying the Big Swamp, and other parts of the country beyond the limits as defined in the second article of the treaty concluded at Camp Moultrie creek, so that the whole of that proportion of the Seminoles may be removed within the year aforesaid, and the remainder of the tribe, in about equal proportions, during the subsequent years of eighteen hundred and thirty-four and five, (1834 and 1835.)" Treaty dated May 9, 1832.	5,000	$272 , 50	$32,500	$305,000	
CREEKS. "Article 12. The United States are desirous that the Creeks should remove to the country west of the Mississippi, and join their countrymen there; and for this purpose it is agreed that as fast as the Creeks are prepared to emigrate, they shall be removed at the expense of the United States, and shall receive subsistence while upon the journey, and for one year after their arrival at their new homes: *Provided, however,* That this article shall not be construed so as to compel any Creek Indian to emigrate, but they shall be free to go or stay as they please." "Article 13. There shall also be given to each emigrating warrior a rifle, mould, wiper, and ammunition, and to each family one blanket. As soon as half their people emigrate, one blacksmith shall be allowed them, and another when two-thirds emigrate, together with one ton of iron and two hundred weight of steel annually for each blacksmith. These blacksmiths shall be supported for twenty years." Treaty, dated March 24, 1832.	22,264	Removal at $18 $400,752 00 Subsist. and cont. for 12 months 679,792 90	Rifles. Dollars. 5,000—62,500 Blankets. 6,000—21,000 Powder. 20,000—5,000 Lead. 50,000—2,500 Trans. 9,000 Iron 20 yrs. 5,000 Steel 20 yrs. 2,400		An appropriation has been asked for the removal of 5,000 this year. The iron and steel may be calculated at 2 tons iron for 20 years, 40 tons. 4 cwt. steel for 20 years, 80 cwt.
	22,264	$1,080,544 90	$107,400	$1,187,944 90	
POTTAWATAMIES. "Article 5. The United States agree to provide for the Pottawatamies, if they shall at any time hereafter wish to change their residence, an amount, either in goods, farming utensils, and such other articles as shall be required and necessary, in good faith, and to an extent equal to what has been furnished any other Indian tribe or tribes emigrating, and in just proportion to their numbers." Treaty, dated October 26, 1832.	5,000	Removal $90,000 Subsistence for 12 mos. at 9 cents p'r ration, including conting. 164,250	Rifles. Dollars. 400 at $12½—5,000 Powder and lead 1,000 Blankets, ——— Axes, 500—1,000 Ploughs, 500—3,000 Hoes, 500—500		The three bands of the Pottawatamie tribe, with whom treaties were made in October, 1832, to wit, the Wabash, Prairie, and Indiana, it is supposed, number about 5,000 souls. The removal of one-third of this number, and their subsistence for 12 months, was

Names of tribes, dates of treaties, and the stipulations for removing the Indians from the States.	Estimated population east of the Mississippi.	Estimated cost of their removal west of the Mississippi, and of their subsistence one year after their arrival in the new country.	Estimated cost of the presents, the furnishing which is contingent on their removal west.	Total expense of the removal, with its incidents.	REMARKS.
			Looms, 100—2,000 Cards, pairs, 350—200		provided for by act of 2d March, 1833. The amount appropriated, $94,129, will therefore be deducted from this sum. The presents to be furnished them not being specified, the calculation is made according to the treaty with the Choctaws of September, 1830. The rifles are in part provided for by the act above mentioned. By same act, the blankets are entirely provided.
	5,000	$254 250	$22,450	$276,700	
CHICKASAWS. "Article 10. Whenever the Chickasaw nation shall determine to remove from, and leave their present country, they will give the President of the United States timely notice of such intention, and the President will furnish them the necessary funds, and means for their transportation and journey, and for one year's provisions after they reach their new homes, in such quantity as the nation may require, and the full amount of such funds, transportation, and provisions, is to be paid for out of the proceeds of the sales of the ceded lands. And should the Chickasaw nation remove from their present country before they receive money from the sale of the lands hereby ceded, then, and in that case, the United States shall furnish them any reasonable sum of money for national purposes, which may be deemed proper by the President of the United States, which sum shall also be refunded out of the sales of the ceded lands." Treaty, dated October 20, 1832.	*5,600	Remov. $100,800 Subsistence and contingencies for 12 months, at 10 cents per ration. 201,400			* This is the Indian population according to the recent census. The tribe possesses a large number of slaves, how many, not exactly known, probably more than one thousand. These, in accordance with the practice of the department, will be removed, and will add considerably to the amount of this estimate.
	5,600	$305,200	- -	$305,200	

EMIGRATION OF INDIANS, OFFICE COMMISSARY GENERAL OF SUBSISTENCE, *April* 30, 1834.

GEORGE GIBSON, *C. G. S.*

K.

STATEMENT of sums provided by treaties with Indian tribes, for the purposes of education, exhibiting the names of the tribes, the date of the treaties, the amount for each, and the period for which the payment is to be continued, and for what specific use.

Names of the tribes.	Date of treaty.	Amount.	How long payable.	For what specific use.
1. Miamies - - - -	Oct. 23, 1826	2,000	Pleasure of Congress	Education of youth at Choctaw academy.
2. Pottawatamies - - -	Oct. 16, 1826	2,000	do do	do do
Do - - - -	Sept. 20, 1828	1,000	do do	do do
3. Do of Indiana - -	Oct. 27, 1832	2,000	do do	do do
4. Winnebagoes - - -	Sept. 15, 1832	3,000	27 years; expires 1859	Schools in the nation.
5. Menomonies - - -	Feb. 8, 1831	500	10 years; expires 1842	Green Bay.
6. Chippewas - - -	Aug. 5, 1826	1,000	Pleasure of Congress	Sault St. Marie.
7. Chippewas, Menomonies, Winnebagoes, and New York Indians -	Aug. 11, 1827	1,500	Pleasure of Congress.	
8. Sacs, Foxes, and Ioways - -	July 15, 1830	3,000	10 years; expires 1840	Education of youth at Choctaw academy.
9. Kickapoos - - -	Oct. 24, 1832	500	10 years; expires 1842	Schools in the nation.
10. Shawnees and Delawares -	Oct. 26, 1832	500	3 years; expires 1835	do do
11. Choctaws - - -	Sept. 27, 1830	12,500	20 years; expires 1840	Choctaw academy, and schools in the nation.
12. Creeks, east - - -	Mar. 24, 1832	3,000	20 years; expires 1851	Schools in the nation.
13. Cherokees, west - -	May 6, 1828	2,000	10 years; expires 1839	Education of youth at Choctaw academy.
14. Florida Indians - -	Sept. 18, 1823	1,000	20 years; expires 1843	
		35.500		

L.

TABLE of schools, showing under whose direction, the station, number of teachers, and number of pupils at each.

Under the direction of	Station.	Teachers.	Pupils.
United Brethren	Spring Place, Cherokees, Alabama	3	20
American Board of Commissioners for Foreign Missions	Brainard, East Mississippi -	2	30
	Carmel, East Mississippi -	1	30
	Creek Path - - -	3	30
	High Tower - - -	1	10
	Dwight, Cherokees, West Mississippi	4	65
	Tuscarora - - -	3	82
	Seneca, near Buffalo, New York -	8	45
	Union, Osages, Arkansas - -	1	54
	Harmony, Osages, West Mississippi	6	30
	Monroe, Chickasaws - -	2	50
	Cattaraugus, Senecas, New York -	1	54
	Goshen, - - - -	8	45
	Ai-ik-kun-nah - - -	3	24
	Williams - - - -	2	4
	Tockshish - - - -	3	22
	Colonel Folsom's, Choctaw nation -	1	12
	Cane Creek - - -	3	26
	Martyn - - - -	2	25
	Hebron - - - -	2	22
	Willstown, Cherokees, east -	5	18
	New Echota, do do -	1	24
	Hawie's do do -	3	18
	Candy's creek do - -	4	74
	Mulberry settlement, Cherokees, west	1	30
	Michilimackinac - - -	3	157
	Ottawas, Miamies of the Lakes -	-	10
	Elliott - - - -	7	48
	Mayhew - - - -	6	56
	Juzans - - - -	1	15
	Emmaus - - - -	3	26
	Fairfield, Cherokees, west - -	2	30
	Buffalo, Senecas, New York -	3	50
	Maumee, Ohio - - -	2	25
	Ah-me-hee, Cherokees, east -	1	46
	Forks of Illinois do - -	-	30
Methodist Society	Upper Sandusky, Wyandots -	1	25
	Asbury, Creek nation - -	-	22
Baptist General Convention	Western Cherokees - -	1	20
	Valley Towns, Cherokees, east -	2	35
	Thomas's, Grand river - -	2	36
	Sault St. Marie, Chippewas -	4	46
	Western Creeks - - -	2	35

TABLE—continued.

Under the direction of	Station.	Teachers.	Pupils.
Baptist General Convention, continued.	Shawnee, Delawares - -	1	15
	Western Choctaws - -	1	
	Tonnewanda, Senecas, New York	1	30
	Delawares - - -		
	Omahas and Ottoes - -		
	Carey, Pottawatamies, St. Joseph	-	7
	Withington - - -	2	16
	Oneida, New York - -	1	30
	Tansewatta, East Mississippi -		30
Methodist Episcopal Church	Shawnees - - -	3	40
	Delawares - - -	2	21
	Peorias - - - -	2	24
Protestant Episcopal Church	Oneida Castle, New York - -	3	30
	Green Bay - - - -	4	130
Roman Catholic Church	Arbre Croche, Ottowas - -	2	60
	Green Bay, Menomonies - -	1	30
	St. Joseph Pottawatamies -	1	30

Allowance from the Civilization Fund to each of the following associations and individuals, viz.

	American Board for Foreign Missions	1,690
	Methodist Society - -	550
	Baptist General Convention -	2,000
	Choctaw Academy - -	310
	Catholic Bishop, Ohio - -	1,000
	Catholic Bishop, Boston, for Passamaquoddy Indians - -	300
	Godfroy, a Pottawatamie Indian -	200
	Choctaws - - - -	300
	Mohegan Indians - - -	400

Donations from the Civilization Fund.

	On account of cost of buildings at Green Bay, under Menomonie treaty - - - -	1,700
	Choctaw Academy, for purchase of tools, and erecting workshops for a wheelwright, blacksmith, and shoemaker - - -	500

M.

STATEMENT showing the amount appropriated to establish and maintain trading houses among the Indian tribes, from the 18th of April, 1796, to July, 1822, when they were discontinued.

1796, April 18,	for trading with the Indians - -	$150,000
1799, March 2,	do do do - -	110,000
		260,000
1806, April 21,	do do (reappropriated) -	260,000
1809, March 3,	do do do - -	40,000
		$300,00

STATEMENT showing the amount appropriated for the salaries of the superintendent of Indian trade and his clerks, and of the agents, assistants, and clerks, employed at the several trading houses.

1806, April 21,	for pay of superintendent and clerks, agents, assistants and clerks, - -	$13,000 00
1811, March 2,	do do do do	19,250 00

NOTE.—The precise amount paid for this object prior to 1805 cannot be ascertained, as it was drawn from the general trading fund by warrants in favor of the purveyor of public supplies, or the agent of the War Department. In a report made by Mr. Mason, the superintendent, in April, 1810, which is contained in Gales and Seaton's American State Papers, Indian Affairs, Vol. 1, p. 768, there is this statement, in relation to this subject:

"There have been employed, in all cases, a principal agent at each house, and, in most cases, an assistant agent or clerk at each. The compensation allowed has been from $750 to $1,250 per annum, exclusive of rations, or allowance for rations, paid out of the funds of this establishment.

"It does not appear that the annual compensation allowed to agents, assistant agents, or clerks, exceeded the sum of $10,000, until the year 1805; previous to which time, as has been said, six trading houses had been established; during that year, four additional houses were set up, and one discontinued, leaving then in operation nine houses. At this time, the allowance for rations was commuted into money, at fixed rates per annum, and the compensations paid during the latter part of this year (1805) stood thus:

8 agents, at $1,000 per annum, - -	$8,000
1 agent, at $1,250 do - - -	1,250
7 assistants, at $500 do - - -	3,500
1 assistant, at $400 do - - -	400
	$13,150

"Allowance for subsistence, in lieu of rations.

9 agents, at $365 - - - -	$3,285
6 assistants, at $150 - - -	900
1 assistant, at $180 - - - -	180
	$4,365

"This commutation for rations, and these rates and amounts of compensation, were directed to be paid by order of the Secretary of War. The allowance to agents, their assistants and clerks, has been increased from time to time, as additional trading houses have been set up, and there are payable for the current year, (1810,)

For salaries - - - -	$14,750
For subsistence - - - -	5,475
	$20,225"

There were then in operation twelve trading houses.

The act of 1811 fixed the pay of the superintendent at $2,000, and allowed him for his clerks $2,500.

The following statement, made from the books of the Register of the Treasury, shows that, with the exception of two years, (1818 and 1819,) the whole amount of the appropriation for salaries was not expended.

1811,	for pay of superintendent and his clerks, -	$4,150 00
1812,	for pay of superintendent and clerks, agents, assistants, and clerks,	16,870 00
1813,	do do do do do -	16,883 28
1814,	do do do do do -	10,294 86
1815,	do of superintendent and his clerks, -	4,150 00
1816,	do of superintendent, agents, &c. -	17,437 16
1817,	do do do do do -	18,820 67
1818,	do do do do do -	21,866 98
1819,	do do do do do -	19,446 35
1820,	do do do do do -	18,400 00
1821,	do do do do do -	18,750 00
1822, July 2,	do do do do -	9,570 60

Amount drawn for salaries, - - -	$176,989 90
Add amount of appropriation for pay of agents, assistants, and clerks, in 1811 and 1815, - -	28,000 00
Whole amount of expenditure for salaries - -	$204,989 90

Appropriation for five years, from 1806 to 1810, inclusive, at $13,000, is - - -	65,000 00
Appropriation for twelve years, from 1811 to 1822, at $19,250, is - - - -	231,000 00
Whole amount of appropriation for salaries, -	$296,000 00

N.

STATEMENT showing the amount appropriated for the Indian trading house establishment, during its continuance, and the state of the concerns when settled.

To amount of appropriation, - - -	$300,000 00	By amount carried to surplus fund, -	$10,000 00
		" " of receipts, - - -	88,608 30
		" " of debts uncollected, - -	79,245 46
		" " of debts of the Creeks, paid under the treaty 16th June, 1802, - -	10,000 00
		" Property destroyed, - - -	60,000 00
		Balance unaccounted for, - - -	52,146 24
			$300,000 00
To balance unaccounted for, - - -	$52,146 24		

The number of Indian trading houses in 1822 was 9. They were established at Prairie du Chien, Fort Edwards, on the Upper Mississippi, Fort Clark, on the Osage, a branch of this on the Marie Decine, at Green Bay, Chicago, on the Arkansas and Red rivers, and on the Tombigbee. The goods on hand at these posts in 1822 amounted to $126,950.

The number of licensed traders in 1822 was 126.

10

O.

Indian tribes, east of the Mississippi, who have not yet agreed to emigrate.

Names of tribes.		Numbers.
1 In the State of New York, viz.		
Senecas - - - - -	2,242	
Cayugas - - - - -	128	
Onondagas - - - - -	490	
Delawares - - - - -	73	
Oneidas - - - - -	1,153	
Tuscaroras - - - - -	278	
St. Regis - - - - -	298	
Connewangas - - - - -	54	
		4,176
2 At Green Bay, viz.		
Oneidas - - - - -	400	
Stockbridge - - - - -	320	
Senecas - - - - -	5	
		725
3 Wyandots in Ohio - - - - - - -		575
4 Miamies - - - - - - -		1,100
5 Menomonies - - - - - - -		3,170
6 Chippewas and Ottowas of Lake Michigan - - -		5,300
7 Chippewas - - - - - - -		6,800
8 Cherokees - - - - - - -		*9,000
		30,846

P.

Indian tribes, east of the Mississippi, who have agreed to emigrate.

Names of tribes.	Numbers.
1 Seminoles - - - - - - -	5,000
2 Creeks - - - - - - - -	22,264
3 Cherokees - - - - - - -	*9,000
4 Chippewas, Ottowas, and Pottawatamies - - -	7,400
5 Chickasaws - - - - - - -	5,600
6 Ottawas of Ohio - - - - - - -	230
7 Appalachicolas - - - - - - -	340
8 Pottawatamies of Indiana and the Wabash - - -	3,000

* The 8th article of the treaty of May 6, 1828, with the Arkansas Cherokees, contains a stipulation for the removal of that portion of the tribe remaining east of the river, as individuals of them may be willing to go.

Q.

Indian tribes in the Western Territory, and the quantity of land for each.

Names of the tribes.	Quantity for each.	Total amount.
Possessed by the indigenous Indians, viz.		
1. Osages, - - - -	7,564,000	
2. Kanzas, - - - -	6,400,000	
3. Ottoes and Missourias, - -	1,536,000	
4. Half breeds, Ottoes, Omahas, and Ioways, - - - - -	128,000	
		15,628,000
Assigned to the emigrant Indians, viz.		
1. Choctaws, - - - -	15,000,000	
2. Creeks and Seminoles, - -	13,140,000	
3. Cherokees, - - - -	*13,000,000	
4. Senecas from Sandusky, } 5. Senecas and Shawnees, } - -	100,000	
6. Quapaws, - - - -	96,000	
7. Ottawas, - - - -	34,000	
8. Kaskaskias and Peorias, - -	96,000	
9. Weas and Piankeshaws, - -	160,000	
10. Shawnees, - - - -	1,600,000	
11. Delawares, - - - -	2,208,000	
12. Kickapoos, - - - -	768,000	
		46,202,000
	Acres,	61,830,000

R.

STATEMENT of the quantity of land west of Arkansas and Missouri Territories and the Mississippi river, south of the Platte and the north fork of said river, east of longitude 28°, and north of Red river.

		Acres.
The whole quantity estimated at - - - -		132,295,680
Possessed by the indigenous Indians, -	15,628,000	
Assigned to the emigrant tribes, -	46,202,000	
		61,830,000
Leaving as unappropriated, - - - - -		70,465,680

* 7,000,000 acres provided by the treaty, and 6,000,000 acres included in the outlet.

WASHINGTON CITY, *May* 13, 1834.

SIR: In answer to your inquiry respecting the amount of habitable country now unoccupied within the proposed Western Territory, I have respectfully to observe, that, taking the "old habitable line," as marked by Mr. McCoy, for a guide, there are *north* of the Osage reservation (including a little east) about 9,250,000 acres, north of the Delawares about 8,200,000 acres, making 17,450,000 acres.

But, however, not more than *half* this amount is suitable for agriculture, on account of the scarcity of timber for fences, firewood, and building.

I have been over the land in such a manner as to be satisfied of the accuracy of my statement. As an evidence of my correctness, I would observe that the Ottoes, now about forty miles west of the Missouri, on the Platte, are to remove immediately to the Missouri bottoms, to commence agriculture.

The Pawnees must remove also more east, to pursue agriculture.

The Omahas on the Elk-horn, about fifty miles west of the Missouri, remove to the Missouri bottoms for wood and timber, being now on a prairie.

Hence, there is not much land below the Platte, until you approach the branches of the Kanzas river, calculated for agricultural settlement. On the branches of the two Nemehaws, running into the Missouri, are some good lands and some good timber, but the width of the timber bottoms is small. There is a little land adjoining the Missouri directly north of the Kickapoos.

The general scarcity of wood on the unappropriated tract south of the Platte will deter most emigrating tribes from making a selection there.

If the unappropriated land north of the Osages shall accommodate the remaining *Ottowas*, the *Miamies*, and the New York Indians, it is all that can be expected from that section.

And here I would remark, these tribes can be well accommodated by the side of their kindred bands. I have been thus plain and explicit to show the impracticability of locating so many of the remaining tribes on the unappropriated lands west of the Missouri, within the proposed limits of the Western Territory, as some have expected might be done with propriety.

I designed to be brief, but can explain more fully if desired.

I am yours, most respectfully,

HENRY L. ELLSWORTH.

Hon. LEWIS CASS,
Secretary of War.

S.

A bill for the preservation and civilization of the Indian tribes within the United States.

Whereas the United States are desirous of preserving from extinction the Indians living in and adjacent to the settlements of their citizens, and of providing for their gradual improvement and ultimate participation in the advantages of civilization and free Government:

And whereas these objects can be obtained only by removing the Indians from the operation of those causes which have occasioned their declension,

and by establishing them in a permanent residence, where they may be taught the value of the blessings offered to them, and look forward with confidence to a melioration of their physical and moral condition: therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide a permanent residence for the several tribes of Indians residing within the limits of any State or Territory, except that part of the Territory of Michigan lying west of Lakes Huron and Michigan, the President of the United States be, and he is hereby, authorized to adopt such measures as he may deem most expedient, to extinguish the Indian title to a tract of country of sufficient extent, lying west of the Mississippi, and not included within any State or Territory; and that, after the title is extinguished, he be authorized to lay off the same, at such times, and in such manner, as he may deem proper, for the several tribes of Indians for whose permanent residence it is intended, and to exchange the same for lands now occupied by them.

Sec. 2. *And be it further enacted,* That, in order to induce the said Indian tribes to emigrate to their proposed residence, and that the means employed, or that may hereafter be employed, for their improvement and civilization, may have full operation, the President be, and he is hereby, authorized to pledge the faith of the United States to guaranty to the tribes who may agree to an exchange and removal an immutable inalienability of such lands as they may acquire by such exchange, permanent peace and protection against the intrusion of white settlers, and a continuation of its friendship and aid in improving their condition and forming and maintaining a system of Government suited to their circumstances.

Sec. 3. *And be it further enacted,* That the President shall, by and with the advice and consent of the Senate, appoint three commissioners, who shall, jointly or severally, hold treaties with the several tribes whose removal is herein provided for; and, whenever the assent of any Indian tribe can be obtained to such removal, provision shall be made, as far as practicable, for assigning to them a country distinctly bounded, and also for the expense of their removal, for the aid to be afforded to them, and for all the necessary arrangements which a just regard to their situation may require. And it shall be the duty of the several agents, and of all other persons in the Indian Department, to explain to their several tribes the views of the Government. and to co-operate, by all just and proper means, in the accomplishment of the objects herein provided for.

Sec. 4. *And be it further enacted,* That, in all cases where the proper authority of any tribe may decline entering into any stipulations respecting the removal of such tribe, it shall be the duty of the commissioner or commissioners, or Indian agent, to enter into such arrangements with any individuals of the tribe, and, under the directions of the President, to make the necessary provisions for the removal of such individuals; but the arrangement with such individuals shall, in no case, affect the rights of the tribe.

Sec. 5. *And be it further enacted,* That, upon a declaration being made by any Indian or Indians, to a United States commissioner or commissioners, or to the Indian agent residing near or with the tribe or nation to which such Indian or Indians may belong, of a willingness to remove, he, she, or they, upon enrolling their names for that object, shall be considered by that act to be under the protection of the United States; and any injury

done thereafter to the person or persons of such Indian or Indians, shall subject the offender or offenders committing the same to be prosecuted and punished, in the same manner, and to the same extent, as though the offence had been perpetrated on the person or property of a citizen within the territory of the United States.

Sec. 6. *And be it further enacted*, That whenever circumstances shall, in the opinion of the President, render it proper, a Government shall be organized for the several tribes and individuals who may remove agreeably to this act; and such Government shall be administered by a Governor, who shall hold his office for the term of three years, and by three judges and a secretary, who shall hold their offices for the term of four years; they shall be appointed by the President, by and with the advice and consent of the Senate; and the Governor shall receive a salary of —— dollars, each of the judges a salary of —— dollars, and the secretary a salary of —— dollars, to be paid quarter-yearly out of the Treasury of the United States. And there shall be a Legislative Council, and such other officers, executive and judicial, selected from the said Indians, as the President may deem proper. And the President shall have authority to prescribe the rules and regulations for the administration of such Government; to define and direct the rights and duties of all the officers who may be employed; and, generally, to adopt such measures as may be proper and necessary to carry into effect the great object of the United States in this effort to improve the condition of the Indians; and a report shall annually be made to Congress of all the proceedings under this act; all which shall be subject to the approval or rejection of Congress, or to such alterations as they may think proper to make.

Sec. 7. *And be it further enacted*, That this system of Government shall be extended to any of the tribes whose removal is not herein provided for, whenever circumstances may, in the opinion of the President, render such a measure proper, and the assent of such tribes can be obtained thereto.

Sec. 8. *And be it further enacted*, That the sum of —— be, and the same is hereby, appropriated, to carry into effect the objects of this act, and for no other purpose whatsoever, to be paid out of any money in the Treasury not otherwise appropriated.

T.

Office of Commissioners of Indian Affairs,
Fort Gibson, February 10, 1834.

To the Secretary of War :

Sir : The undersigned, Commissioners of Indian Affairs, west, not having time to complete the business confided to them within the period limited by their appointment, beg leave, very respectfully, to submit their report, in part.

The Board was organized in the latter part of December, 1832, when their instructions were carefully perused, and the commissioners entered upon the duties assigned them. Although their proceedings have been transmitted in detached communications, it may not be inexpedient to trace, very briefly, the progress they have made in this general report.

The arrival of the Senecas and Shawnees from Ohio, and the dissatisfaction manifested by them with their location, demanded the first attention

of the commissioners. A new treaty of limits was made in compliance with their request, giving them a better country in one tract, on the east side of the Neosho river, and uniting the kindred bands of Senecas and Shawnees of Lewiston, and Senecas of Sandusky, Ohio. This arrangement, besides being highly gratifying to these people, enabled the Board to grant land to the Cherokees on the west side of the Neosho or Grand river, unembarrassed by previous assignment.

The conflicting claims of the Western Creeks and Cherokees, so earnestly urged upon the attention and consideration of the commissioners, presented formidable difficulties. Both parties claimed several millions of acres of the same land, under treaty stipulations; both were equally sanguine in the justice of their respective claims, and, at first, unyielding in their opinions. A candid examination, in public council, of all the treaties, of the subsequent proceedings of the respective tribes, and the offer to substitute other land for that relinquished by the Cherokees, enabled the commissioners to adjust the matter in a manner mutually satisfactory.

The *Creeks* and *Cherokees* have now an undisputed title to land, in quality fertile, in location convenient and desirable, and in quantity adequate to the wants of the respective nations. It is a matter of congratulation that such important changes in the expected location of these tribes should not have produced any complaint in the mode of adjustment.

The *Seminoles*, who were referred to the commissioners for advice and assistance in the exploration and selection of a country for a permanent home, have been well accommodated. This nation is, by the late treaty, happily united with its kindred friends, (Creeks, and forms with them one nation; but is secured, with the approbation of the Creeks, the privilege of a separate location between the forks of the Canadian river. This tribe, it is expected, will remove immediately to the land assigned them.

Negotiations have been commenced with the Osages for a removal from their present reservation to lands adjoining the Kanzas. Although no treaty has yet been made, the commissioners indulge a hope that the wishes of the department will be accomplished, and that this poor and degraded tribe, when they receive additional assistance, will improve the means offered to better their condition.

The *Quapaws*, a feeble remnant of a tribe, roving about the Territory of Arkansas, lately the owners of a vast country, but now without any definite home, have, by a recent treaty with the commissioners, been located in the Indian country. The number of this tribe is small. The pittance received for their extensive grants to the United States, and their present destitute condition, commends them to the justice as well as liberality of the Government. A commutation of their permanent annuity will afford the survivors some relief, to prolong, at least, the existence of a tribe almost extinct.

The dissatisfaction of the Kickapoos with their location on the Missouri, a subject referred to the commissioners since their first instructions, has been removed, and the tribe acknowledge their approbation of the land assigned them. A personal examination of the land satisfied the commissioners that the location was good and convenient for the tribe. A council with the nation proved that the dissatisfaction expressed was confined to a single individual, a warrior and his band, who, listening to the advice of interested persons, encouraged themselves to hope for a different location on the waters of the Osage river. The Kickapoos are much pleased with

the extinguishment of the Ottoe title south of the Little Nemehaw, which relieves their land from all incumbrances, and renders their residence more acceptable to their nearest neighbors on the north.

The attention of the commissioners has been especially directed to the adjustment of the difficulties between the Delawares and Pawnees. The failure to extinguish the rights of the Pawnees and Ottoes to land between the Kanzas and Platte rivers, before assignments were made to emigrating Indians, caused a bloody war among claimants, fighting on one side to defend what had never been relinquished, and, on the other, to maintain what was guarantied by the Government. So late as last summer a whole village of the Pawnees was destroyed by the Delawares, and 2,500 persons driven to the prairies without shelter. Vicinity and danger had united the Pawnees and Ottoes in common defence, and all south of the Kanzas river were regarded as common enemies. The Osages, the adopted grandchildren of the Delawares, had just been at the Ottoe village with one hundred warriors to destroy the town; and this village only escaped by the timely arrival of an express from Fort Leavenworth, announcing their danger. The number of Pawnees of the Platte is estimated at 12,000, and the Ottoes and Omahas on the same stream, at about 3,000.

The commissioners, being anxious to remove the cause of war, hastened to obtain a cession of lands from the Pawnees and Ottoes, to quiet the titles of emigrants who relied with confidence on the guaranty of the Government. Treaties were made with the four confederated bands of Pawnees on the Platte, and also with the Ottoes, by which the United States has acquired several millions of acres of land; and it is fondly anticipated that the battle ground of the contending tribes will become the peaceful abodes of eastern emigrants, and a civilized home for the strangers of the mountains. The river Platte now forms the north boundary of extinguished title on the west side of the Missouri river.

Having removed the cause of war, so far as disputed title provoked hostility, the commissioners entered upon the pleasing yet difficult task of making peace between those Indians who were to compose the new territory. Accordingly, one hundred Ottoes, Pawnees, and Omahas of the Platte, were invited to accompany the commissioners to Fort Leavenworth on the errand of peace. And it is certainly a mark of confidence in these wild tribes to walk three hundred miles to offer the pipe of peace to their enemies, especially unprotected as they were, except by their own bows and arrows. The willingness of the Pawnees to leave the ruins of their village unrevenged, was further manifested by their consent to travel even to Fort Gibson; making their whole journey on foot not less than 1,200 miles, to meet the Creeks, Cherokees, Choctaws, and Osages.

The commissioners have to congratulate the department on the establishment of peace between the following tribes, viz. Pawnees, Ottoes, Omahas, Ioways, Kickapoos, Sacs and Foxes of the Missouri, Pottawatamies, Kanzas, Delawares, Shawnees, Piankeshaws, Weas, Peorias, Ottawas, Kaskaskias, Osages, Senecas and Shawnees, Cherokees and Creeks. Peace is made between all the Indians of the United States residing south of the Sioux; and it is hoped the numerous Sioux and other still more northern tribes or bands will ere long embrace the opportunity afforded by the terms of pacification, for their admission to the same.

The basis of the general treaty seems to give more confidence in the mutual pledges of the red men. Their interest and their feelings have

alike conspired to remove every obstacle that "the path to each other's door might be smooth forever."

The visit of the wild Indians has been one of high gratification and instruction to them. They have seen and tasted the fruits of civilization. They implore these blessings on their villages, and have hastened back to tell the glad tidings to their friends. A copy of the treaty of peace is herewith transmitted, marked A. By this treaty the past is forgiven; the right of personal revenge relinquished, and future injuries are no longer to be made the cause of war; but all disputes are to be adjusted by reference to an umpire appointed by the President. It will appear that a few tribes have yet delayed signing the articles of peace, wishing a further opportunity to discuss them in their respective councils.

The predatory incursions of foreign tribes inhabiting the southwestern boundary of the United States has been, and it is feared will long remain, a cause of serious complaint. But very little definite information has been received respecting these bands. The council with the Pawnees of the Platte afforded an interview with seven Pawnee Picts and two Kioways, (sometimes called Camanches,) then on a visit of friendship. From these, and from subsequent conversation with the Pawnee chiefs at Fort Gibson, who spent last winter with their friends south of Red river, we learn a few facts.

It appears that the Pawnee Picts are now reduced to a small number, not exceeding one thousand, and that their residence is about one hundred and twenty miles south of Red river, where they raise a little corn. Danger has united them in common defence with the Camanches, who are more numerous; but these allies of the Picts are by no means so powerful as has been generally supposed. It is believed that the *Picts* depend chiefly, and the Camanches entirely, on the chase; and hence both are generally found in the track of the buffalo. Whatever may have been the origin of the Pawnees of the Platte, they are quite a different people in manners and language from the Pawnee Picts. So entirely different is the language that only one person was found among all the Pawnees of the Platte to understand and interpret their words. Wars also have frequently interrupted their harmonious intercourse. From the Picts we learn directly their strong desire for peace, and both the Picts and Kioways, who witnessed the transactions of the commissioners on the Platte, have returned home, apparently with great joy, to hasten the establishment of peace.

The subsequent purchase of a Pawnee Pict captive from the Osages by the commissioners, and the transmission of the same through the Pawnees of the Platte to her native home, will, it is believed, secure an interview so much desired by the Government with the Pawnee Picts and their kindred tribes. It may be remarked with pleasure, that the Osages have avowed their willingness for peace with these Mexican Indians; though the relatives of the deceased believe their departed friends are now demanding scalps to be sent them from this side of the grave.

The commissioners would be wanting in justice to the Government to allow it to anticipate security to our own tribes from any pacific arrangement that can be made with the Indians of Mexico. Presents may soothe for a moment the savage disposition; but while the principal residence of the wild tribes is within a foreign State, and subject of course to foreign influence, we cannot limit our guaranty of soil and personal protection, (upon which the emigrant has chosen this new home,) by depending on

stipulations with Indians beyond our control. Nor will our occasional show of force remove the fear of invasion. Savages may be temporarily driven from the Buffalo trail, but, like water displaced by a fording army, they will seek immediate return when the force is removed. A few out-posts to enclose the agricultural districts can alone ensure personal safety, and give that security to property, without which man, either white or red, cannot be stimulated to its possession.

The commissioners are requested to transmit to the War Department all the information they can procure, respecting the climate, soil, and capacity to support the number of Indians who will probably remove to, and reside in, the country set apart by the United States as their permanent homes. The country to which the Indian title has been extinguished west of the Mississippi, for the purpose of providing land upon which to remove the Indians from the east, is very extensive. It is situated between Red river, north latitude 33° 30′, and north latitude 43° 30′, and from the western boundary line of the Territory of Arkansas and State of Missouri in west longitude 17° 30′, and the Mississippi river, to the Republic of Mexico, in west longitude 23° from Washington, and contains about 182,000 square miles, or about 116,480,000 acres. This is a district of country greater in extent than the whole of New England, New York, New Jersey, Pennsylvania, Delaware and Maryland, which contains only 174,897 square miles. It was probably not expected that the commissioners would be able, in addition to all their other business, to go into a very minute examination and description of the whole Indian country; but simply to ascertain whether, in their opinion, it was eligible for the settlement of our Indian population, and capable of affording them the means of a comfortable subsistence: and to this point their observations and inquiries have been mainly directed.

Of the climate.

With regard to the climate, the commissioners would remark, in general, that it does not materially vary from the climate, in the corresponding degrees of latitude, in the Atlantic States, some distance in the interior from the seaboard. But it appears, from meteorological observations, taken at different military posts in the valley of the Mississippi, and on the Atlantic coast, that the winter months are a little colder in the former than in the latter; and the summer months not so hot on the Atlantic as on the Mississippi. This, however, may easily be accounted for by the influence of the sea air near the coast, while, in the interior of the Atlantic States, and on the Mississippi, no material difference will be discovered. The air in the southern part of the Indian country, we think, is more pure and less humid than on the seaboard, in the Southern Atlantic States; and in the northern part of this country the spring opens, and vegetation begins earlier, than in the Eastern States. The commissioners have now spent nearly two winters at Fort Gibson and vicinity, in north latitude about 35° 30′. The last winter was represented by the settlers as one of the mildest they had ever known, and this winter as one of the coldest they could remember in this region. They never experienced a finer climate than what they enjoyed here last winter. There were no severe storms; the weather was mild and fair; the atmosphere remarkably pure, and the thermometer usually ranged between 36° and 56°, and some days as high as 65° of *Fahrenheit.* A few days of severe weather were experienced in the last o

February and beginning of March, but not sufficient to kill the peach buds, which had already begun to blossom. This winter, a few days the thermometer has stood below zero in the morning; and one day as low as seven degrees. The river at this place was frozen over, sufficient to cross it on the ice for a few days. This winter, however, has been of short duration, only about four weeks, and now we hope it is past, and spring has already visited us. It must, however, be remembered, that in a country extending through ten degrees of latitude, there must be a great diversity in the climate. From all that they can ascertain, the country is not subject to any new or unusual diseases, but is visited by such as are common in the same parallel of latitude east of the Mississippi.

It ought, however, to be stated that there has been a great deal of sickness and mortality among the Choctaw emigrants of last year. They were attacked with cholera on the way, of which many died. After their arrival here, a change of diet, by being furnished with full rations, and not being under necessity to take their usual active exercise, and the exposures incident to the first settlers of a new country, brought on fevers, which, for want of proper medical attendance, proved very fatal, but not more so than is often experienced by our own citizens. Those persons to whom the missionaries had the means and opportunity of administering medicine in season, generally recovered, and were restored to health after a short time. The commissioners would recommend that emigrating parties be accompanied with a physician, to reside with them for such time as the President of the United States shall think proper; and also that the agents be supplied with medicines and vaccine matter, to furnish the Indians when necessary.

The soil.

With regard to the soil, the commissioners would observe that they have not been able, for want of time, to examine very minutely the whole of this extensive territory. Some of them, however, have travelled through the country, from the Choctaw agency south of the Arkansas river, and from the mouth of the north fork of the Canadian, to the Grand Pawnee village on the Platte river of the Missouri; and from the Arkansas Territory, west, between the Arkansas and Canadian rivers, for the distance of nearly two hundred miles. From their own observation, and the best information they have been able to obtain, they believe there is a great diversity of soil, and such as generally is found in the States bordering on the Mississippi. A considerable portion of the land is as good as is found in any of the Western States. This is the character of the bottom lands on the principal rivers, which are generally covered with fine timber, and also of much of the prairie lands adjoining the timber on the several water-courses which intersect the country in every direction. There is another very considerable portion of wood land wholly unfit for cultivation; such as the mountains and flint hills that are seen interspersed throughout the country. These, however, add, it is believed, much to the salubrity of the climate, and will long afford game for the lovers of the chase, and a good range for the stock of the settlers at certain seasons of the year. On the Kiamechia mountains, there is a winter grass that will always sustain the stock in that part of the country in winter, if the fires are kept out of the woods. The same may also be the case in other parts of the country. There are

also vast prairies, that extend through the country in various directions, and of all the diversity of soil, from the best alluvial and good upland, to the gravelly ridges and barren sand hills. These prairies are intersected by watercourses skirted with wood, and as they are generally a limestone soil, springs of water have been found, and others may yet be discovered.

Of its physical resources.

There is still considerable game in some parts of the country, and on which the indigenous tribes principally depend for their support. But if the Indians should generally remove from the east to the west of the Mississippi, it will soon be destroyed, so that they cannot rely upon it any great length of time for their sustenance. As a matter of necessity, therefore, their attention must be turned to other resources for a living. The question then arises, " is the country able to furnish them a support in any other way; and particularly is it calculated for the purposes of agriculture?" And this question the commissioners answer unhesitatingly in the affirmative. They are of opinion that there is a sufficiency of good first rate soil, now belonging to those tribes who already have lands assigned them, and a sufficient quantity still undisposed of, to assign to such tribes as may hereafter choose to remove here, to support them, if they will settle down like our white citizens and become agriculturists. They will also further say, that, with regard to the objections that have been raised against this country, on account of the scarcity of timber and water, it is as well watered, generally, as the States of Illinois or Missouri; and where springs cannot be readily found, water can always be obtained by sinking wells. It is true that wood is scarce *on the prairies;* but it is likewise true, that, if the fires are kept out of them a short time, they spring up with a growth of thrifty young timber. At Union Mission, where they cut grass and made hay ten years ago, there are now trees six inches in diameter. This is not an uncommon thing. The same has taken place in the barrens of Kentucky, and on the prairies of Illinois, where may now be seen extensive groves of wood, on land which twenty years ago was an open prairie. But, even if this should not be the case, a very fine quality of coal has been found on different parts of the prairie, from the Kanzas to the Red river, and which is used generally by the blacksmiths through the country; so that fuel need not be scarce if wood should fail. As to materials for fencing, the finest growth of thorns and the honey locust is found through the prairies where the fires have not reached for some time; and with which hedges might be made in a very few years, to enclose fields to any extent. This country will produce abundantly all the varieties of grain, vegetables, and agricultural products, which are raised in the States of the same latitudes east of the Mississippi, and on the Atlantic coast. And the commissioners would particularly recommend that Government furnish a quantity of Irish potatoes, to be introduced among the Indian tribes by their agents. It has already been stated that coal has been found here; and so also have iron and lead and alum been discovered; and salines abound through the country, of the best quality, one of which, it is said, has been let in the Cherokee country for *five thousand* bushels of salt a year.

The commissioners have no doubt that, take this country just as it with all its varieties of rich and fertile bottom land and uplands, its reg

ged mountains and flint hills, and its timbered and also extensive prairie lands, it is much better calculated for the residence of the Indians, than if the whole was covered with a dense forest, such as once existed in the Atlantic States; for the Indians would not very soon, if ever, convert such forests into fruitful fields. The prairies, therefore, instead of an objection to the country, in many respects are a great advantage. An Indian family can now locate themselves by the side of a spring or watercourse where timber is found, and cultivate a few acres of corn and vegetables; and while his pasture and meadow lands are provided by a bounteous Providence, he may see his flocks and herds increase and multiply around him with a very little attention. This country is admirably adapted to the raising of stock of every description. South of the Kanzas river there is no absolute necessity to provide for them in winter, as they live in the range winter and summer. Sheep, particularly, do very well, and they shear them here twice a year: and it is thought that, with proper attention, (other things being equal,) a flock of one hundred sheep will yield 500 pounds of wool per year, as readily as the same number would yield 300 in the Eastern States. And if encouragement was afforded by Government in introducing flocks of the best sheep, and distributing them from time to time among the Indians, the day would not be far distant, when the woollen factories of the East could receive their supply of wool from this region.

In a country like this, where their pasture and meadow lands cost the settlers nothing; and where their flocks can sustain themselves winter and summer, and be multiplied to any extent; and where they will yield two-fifths more *per capita* than they can in the East, what is to prevent this result?

The commissioners are persuaded that no situation could have been selected for the location of the Indians, more happily adapted than this to effect their civilization, by a transition from the hunter to the pastoral life; and by gradually introducing among them agriculture and the useful arts; and by giving them intellectual, moral, and religious instruction. This is not a matter merely of conjecture, but of sober reality, tested by what has already been done. We shall here produce an example worthy of notice. It will be seen, by a reference to the Cherokee treaty of 1817, that a division had taken place between the upper and lower towns, on the question, "whether, as a nation, they would adopt the pursuits of agriculture and civilized life, or continue their old habits, superstitions, and pursuits of the hunter state. The upper towns resolved to continue as they were; and for this purpose exchanged their lands with the Government, and removed to the Arkansas, that they might live after their old ways and customs. In short, they came here wild Indians in every respect. But what is their present condition? "They are settled in their habits, generally employed in agriculture, and live and dress comfortably, after the American costume. The state of morals is, generally, as good as it is in the newly settled parts of our country, and in many respects better; their heathenish superstitions and customs are wholly abandoned, except by a few of the lowest and most degraded class; their houses are comfortable, and to a considerable extent well supplied with furniture and provisions. They raise all the common articles of consumption for their own use, and considerable quantities both of vegteables and meat for market. Nearly all their females know how to spin and weave the cotton and wool produced

by their people, and are furnished with the means of doing so. In all these respects their improvement has been great, and is growing every year." There are also schools established, and several of their own youth qualified for teachers. Churches have also been organized, and one of their young men is now pursuing a course of theological studies for the christian ministry. A bible, temperance, and other benevolent societies are in operation, and doing much good. A Government has been organized by them, laws ordained, and rigidly enforced by a body of sheriffs, termed Light Horse. And several of the natives are reputable traders, and carry on a very extensive mercantile business.

The wild Osages, too, who have been generally averse to civilization, now manifest a willingness to follow the example of the Cherokees, Creeks, and Choctaws, whom they see at all seasons have an abundance of the necessaries of life, while *they* are frequently in a starving condition, and are obliged to subsist on roots. A few years since, Mr. William C. Requa, a missionary from New York, commenced a settlement on the Neosho river, and invited the Osages to settle with him, and proposed to instruct them to plough, and make fields and houses, and furnished them seeds and domestic animals. The consequence has been, this settlement has increased to about thirty families. They have an abundance of all that is requisite for their comfortable subsistence, they have given up the chase as a living, and no longer go on parties of war and plunder; they have all of their fields under good cultivation, comfortable cabins, domestic animals, and a sufficient quantity of corn and Irish potatoes for their support, and even some occasionally to give away. (See Appendix, B.)

The removal of the Indians from the east to the west of the Mississippi, has not had, as was anticipated by some, a deleterious and discouraging influence. It has stimulated them to action, and their condition has been greatly improved. They have built themselves comfortable cabins, such as are generally seen in our new settlements; opened small plantations, and that sometimes without any assistance or means, except their axe and their hoe. This is very perceptible, especially with the Creeks and Choctaws, who are getting fine plantations, and those who have been in the country a few years already raise considerable produce for sale. They have also encouraged district schools, and a considerable portion of this expense is borne by the Indians themselves. The influence of the Gospel has also been very perceptible, in elevating their moral character, and promoting habits of industry. And if the benevolent views of the Government can be carried into effect by public servants, who have the interest of the Indians at heart, and will exert themselves to check those evils which have been their ruin, the ardent desires of the philanthropist and the christian for them will yet be realized; and their removal will prove the greatest blessing that has ever been conferred upon the red men of the wilderness, by any nation since the discovery of America.

The commissioners having expressed their views of the climate, soil, and physical ability of the Indian territory, now proceed to show what are the indigenous tribes; what tribes have already emigrated, or are under treaty stipulations to emigrate; and also what tribes below north latitude 46° east of the Mississippi have not yet agreed to accept the *permanent home* the Government has provided for all the Indian tribes within the different States and Territories of the Union.

TABLE 1.—*The indigenous Tribes.*

Names.	Numbers.	Quantity of land.	
		Square miles.	Acres.
Osages - -	5.200	11.820	7,564,820
Kanzas - -	1.496	10.000	6,400,000
Ottoes and Missourias	1,600	2,400	1,536,000
Pawnees - -	12.000	} 25,000	} 16,000,000
Omahas - -	1,400		
Poncas - -	800		
Sacs and Foxes -	4.500	9.375	6,000,000
Ioways - -	1,102	4,687	3,000,000
Total	28.098	63.282	40.500.820

TABLE 2.—*The emigrant Tribes, and those who have agreed to emigrate.*

Names.	Numbers.	Quantity of land.	
		Square miles.	Acres.
Choctaws - -	18,000	23.437	15,000,000
Chickasaws* -	5,000	will probably settle in the Choctaw country.	
Creeks - -	20,000	} 20,532	} 13,140,000
Seminoles - -	5,000		
Cherokees, west -	5,000	20,312 ‡	13,000,000
Senecas and Shawnees	461	156	100.000
Quapaws - -	466	150	96,000
Piankeshaws -	185	} 250	} 160,000
Weas - -	220		
Peorias and Kaskaskias	128	150	96,000
Ottawas, O. - -	200	53	34,000
Shawnees - -	1,250	2.500	1,600,000
Delawares - -	835	3.450	2,208,000
Kickapoos - -	555	1,200	768,000
Chippewas and Ottawas	10,000	7.813	5,000,000
Pottawatamies -			
Winnebagoes † -	-	3.600	2,304,000
Total	67.300	83.603	53,506.000

* The Chickasaws have sold their country, and agreed to find another themselves, unless they prefer becoming citizens of the United States.

† The Winnebagoes have a country west of the Mississippi, on the Upper Ioway, but have not yet agreed to remove to it.

‡ These lands, including the outlet, are provided expressly for the whole Cherokee nation, east as well as west of the Mississippi.

Table 3.—*The tribes east of the Mississippi, and below N. lat. 46°, who have not yet agreed to remove west of the Mississippi.*

Names.	Numbers.	Remarks.
Indians of New England - - -	2,526	
" New York - - -	5,774	
" Virginia - - -	47	
" South Carolina - - -	450	
Tribes. Wyandots, O. - - -	527	
" Ottawas, O. - - -	250	
" Miamies - - -	1,100	
" Menomonies - - -	2,143	
	12,817	
" Chippewas, M. T. - } " Ottawas, do - }	3,000	These Indians have been provided with a home west of the Mississippi, when they choose to remove to it.
" Winnebagoes - - -	4,591	
" Cherokees, east, in the States of Tennessee, North Carolina, Georgia, and Alabama - -	10,000	
Total,	30,408	

Table 4.—*This table exhibits a summary and digest of what has been presented in the preceding tables.*

Tribes.	Numbers.	Square miles.	No. of acres.
Indigenous tribes west of Missouri - - -	22,496	49,220	31,500,800
Indigenous tribes north of Missouri and their lands, including the Winnebago country - - -	5,602	17,652	11,304,000
Emigrant Indians -	25,837	} 83,603	} 53,506,000
The Indians who have agr'd to emigrate, or submit to State laws - - -	41,466		
The Indians that have lands assigned them west of the Mississippi, but have not yet agreed to remove to them - - - -	17,591		

TABLE IV—Continued.

Tribes.	Numbers.	Square miles.	Acres.
The Indians in the several States who have not yet agreed to remove, and to whom no lands have been assigned - - -	12,817		
Unappropriated lands west of Missouri and W. long. 17° 30′ to 23° - -	-	52,777	33,771,180
Unappropriated lands north of the State of Missouri	-	1,680	1,075,200
	125,806	201,342	128,859,280

The estimates in the foregoing tables are made up from the best sources of information. As it respects the number of souls in the different tribes, it will probably be found too high rather than too low, as the Indians generally have been greatly overrated. The quantity of land stated to belong to them, in cases of the emigrant Indians, is fixed by treaty stipulations, and therefore, accurately given: that of the indigenous tribes is only a general estimate, but it is believed it will fall within rather than overrun the real quantity claimed by them.

From the exhibit as presented by the tables, it appears that the whole number of Indians intended to reside in the Indian territory, (should all below N. lat. 46° remove from the east to the west of the Mississippi,) will amount to 125,806 souls; and the quantity of land set apart for them is 201,342 square miles! that is, more than one and a half square mile to every soul. And even the emigrants have assigned to them a country, equal, on an average, to a square mile for every individual. So that it is presumed there can be no question but that they have a sufficient quantity secured to them for their accommodation.

The commissioners accompany this report with a map of the Indian country; which, although it may not be found perfectly accurate, yet it is more so than any other published, and will serve to exhibit the relative position of the several nations, and the boundaries of their respective countries. In the appendix, C, will also be found a particular description of the boundary lines of their lands, with a few general remarks concerning them. The above description and the map will point out where the unappropriated land, amounting to 54,451 square miles, is situated; and the commissioners will now suggest how it can be disposed of, in order to accommodate those Indians still east of the Mississippi for whom no provision has yet been made, or any others whom it may, hereafter, be deemed important to settle on the Missouri river.

The lands from Red river to the north line of the Osage, Quapaw, and Seneca countries, have all been assigned; and the first district of unappropriated lands is between this line and the lands of the Weas, Shawnees, and Kanzas, and is estimated to contain 20,252 square miles, or

12,965,120 acres. If the Osages cannot be induced to exchange their reservation for part of this country adjoining the Kanzas, according to the instructions of the Secretary of War, then a part of it, about twenty miles wide, might be assigned to the Miamies, adjoining their brothers the Weas, and extending west to the line of the agricultural district. The Ottowas of Ohio might be located adjoining their brothers along the Shawnee lands. The balance of this tract within the agricultural district might be assigned for the New England and New York Indians, adjoining the Senecas; and that part of it west of this line might be reserved as the common hunting ground of all the tribes directly east of it. (See Appendix, B b.)

The second district of land not yet granted to any tribe, is situated north of the country of the Delawares and Kickapoos, and between it and the little Namaha and Platte rivers, and extends from the Missouri river, the Kickapoos, the half breed, and Ottoes and Missouri reservations to the sources of the Platte, and containing about 15,625 square miles, or 10,000,000 acres. On some part of this country might be located the Menomonies, should they ever desire to remove. The Winnebagoes, also, it is believed, could be induced to remove here without much difficulty, as they are determined not to reside, and indeed cannot live north of the Ouisconsin; and they are deterred from settling on the Upper Ioway, on account of the Sioux, their old enemies.

There is also another very excellent tract of land of about 780 square miles, or about 500,000 acres, not yet disposed of, lying between the western line of the State and river of Missouri, directly south of the Pottawatamie country. The commissioners are informed that the Wyandots have examined and are delighted with it. They might be located directly south of the Pottawatamies, and have assigned to them as much land as they now own in Ohio. On this tract reside the Ioways, but their lands are situated north of the State of Missouri, on the Des Moins, and they ought to remove upon them, or exchange them for lands west of the Missouri. Here have also been located a small band of faithful Sacs, who refused to join the British during the last war, and who have ever since been separated from their nation. They ought to have a portion assigned to them here, unless they prefer residing with the Ioways. The southern part of this tract will be wanted for public purposes, and this is the most central point in the Indian country, and most accessible at all times for the transaction of public business.

There is also a very extensive tract of country north of the lands of the Chippewas, extending from the mouth of the Boyer to the Big Sioux, and east to west longitude 17° 30′, containing about 16,120 square miles, (10,312,060 acres,) which is still at the disposal of the Government.

The commissioners would here observe, that should the Indians who now reside north of the State of Missouri, the Sacs and Foxes, and those who still own lands there, the Ioways and Winnebagoes, hereafter find their white neighbors troublesome, and desire to exchange their lands with the United States for lands on the Missouri river, there is a sufficient quantity here for their accommodation, which has not yet been assigned to any other Indians; and should this be effected, then the eastern line of the Indian territory would be the parallel of longitude 17° 32′ from Washington, or the western line of the State of Missouri, extended due north until it strikes the Mississippi river.

The commissioners have now suggested a suitable location for all the dians east of the Mississippi, below north latitude 46°, except the Virnia and South Carolina Indians: and they would recommend that an rangement be made by them, or for them, with the Choctaws, for their ception and union as one nation. This is deemed necessary, only, in der to accommodate these southern Indians with a climate to which they e accustomed.

The security of the Indians.

The Congress of the United States, by the act of March 28, 1830, oviding for the removal of the Indians to a country west of the Missisppi, have declared:

"Sec. 6. That it shall and may be lawful for the President to cause ch tribe or nation to be protected, at their new residence, against all inrruption or disturbance from any other tribe or nation of Indians, or om any other person or persons whatever."

The provision of this act for the security of the emigrant Indians, is execessed or implied in all the treaties since made with them. To effect this ject, it will be necessary to enact clear and definite laws, with suitable nalties, to not only *regulate*, but as far as practicable prevent, all interurse between the Indians and our own citizens on their borders. Laws so will be necessary to define the rights and powers of the different Indin nations, and regulating their intercourse with each other.

With the exception of two or three tribes, who have within a few years st attempted to establish some few laws and regulations among themlves, the Indian tribes are without laws, and the chiefs without much thority to exercise any restraint upon their people. Such principles, erefore, as can now be established and enforced by corresponding laws, ill prove a great blessing, and be generally well received. At present othing is more common than for hunting parties to wander from their omes, visit the settlements of other tribes, and kill their stock and comit other depredations. This has given great dissatisfaction, and, if not on checked, must lead to serious difficulties. It is now quite common, o, for a chief or warrior who has influence enough to raise a war party, attack some other tribe for the purpose of plunder, or taking scalps. his leads to retaliation and revenge, and thus wars have been carried on etween several tribes from time immemorial. Humanity as well as a due gard for the just rights of others, requires that these practices should ase. And it remains for the Government of the United States *alone* to etermine when they shall end.

In addition to suitable laws, judicial tribunals should be established to y all offences against the same; and, if necessary, be authorized to emoy military force to carry their judgments into effect, that the Indians nd our own citizens may see and know that the laws will be rigidly enrced.

Military posts.

The commissioners are of opinion that, in order to afford protection to e emigrant Indians, and preserve the peace of the country, as well as to nforce the intercourse laws, it will be indispensably necessary to esta-

blish two lines of *military posts.* The first on the borders of the Indian country and the State of Missouri and Arkansas Territory. The other in the interior, on the western line of the agricultural district, extending from Red river to the Upper Missouri. To complete the first line of posts, in addition to Forts Leavenworth and Towson, it will only be necessary to establish a military depot and garrison on the Arkansas river, at such a point on the confines of the Indian territory, as shall on examination be found most eligible. This post might be supplied with a military force, and munitions and military stores of all kinds, sufficient to meet any emergency that would probably occur in the Indian country, or between the Indians and citizens of the United States.

The reasons which have induced the commissioners to recommend the erection of such a post near the confines of the Indian country, in preference to Fort Gibson, are the following: Fort Gibson is between forty and fifty miles above the head of steamboat navigation. If a boat enters the Arkansas with a good stage of water, it can generally ascend, without much difficulty, a short distance above the boundary line of the Indian territory; but above that point, on account of the sand bars, the falls at Webber's, the shallow rapids, called the "Devil's Race Ground," (which obstructions can never be removed,) and the sudden rise and fall of the waters, the navigation to Fort Gibson is very difficult and uncertain. Even this season the boats have been detained between those points about two weeks, and had to expedite their return, for fear that a day's delay might prevent them from getting down the river. (See Appendix, D.)

Fort Gibson, when established, was near the western line of the Arkansas Territory, and it was found necessary for the defence of our own frontier citizens. But since the arrangement of the United States with the Indians, the boundary line has been removed about forty miles further east, and the citizens of Arkansas feel it necessary that this post, erected in the first place for their defence, should also be removed. The commissioners are of opinion that a post on the confines of the Indian country will always be necessary to carry into effect the intercourse law, and prevent difficulties between the Indians and our citizens on their borders, where, it is apprehended, will be the principal source of disturbance in the Indian country; and they cannot see the necessity for two posts so near together as this post and Fort Gibson. Fort Gibson is certainly not indispensably necessary to maintain peace between the emigrant tribes of Choctaws, Creeks, and Cherokees, who have always had a good understanding between themselves; and as to the Osages, Fort Gibson is more than one hundred miles from their reservations; and should there even be any serious disturbance between these tribes, from a post established on the very line, between the Cherokees and Choctaws, or only a short distance below it, a military force can be brought to operate, in a few days' march, at most, upon not only the Cherokees, Choctaws, Creeks, and Seminoles, but also upon the Senecas, and even the Osages. It is also true, that if Fort Gibson is to be continued as a *permanent post,* it must be rebuilt immediately; and the expense of erecting a fort here will be much greater, and attended with more difficulty in every respect, than on the confines of the Indian country. And certainly the annual expense of supplying a garrison here will be much greater than at the post recommended; for there, supplies in abundance can always be brought up the river, or be obtained from the citizens of Arkansas, when boats

cannot reach Fort Gibson; or from the Indian country above the fort. Another fact worthy of notice is, that the timber on the reserve for Fort Gibson, even for fuel, is becoming scarce; and if this fort is continued, an additional quantity of land must be purchased from the Cherokees, which cannot be obtained without an exorbitant price. But should the proposed garrison be established on the Arkansas, in the Choctaw country, the right is already secured to the United States by treaty: and if erected below the line on Arkansas, the lands are still mostly owned by the Government, and a sufficient quantity can be reserved for *military purposes*.

It has also been found, by sad experience, that a large military force, stationed as this is, surrounded by Indian settlements, has a demoralizing and unhappy influence upon the Indians, and serves to counteract, in a very great degree, the benevolent efforts of the Government to improve their condition. It has been found impossible to restrain the intercourse between the soldiers and the Indians; and what must be the consequence of such intercourse of near one thousand men, such as soldiers generally are, can be easily imagined. The fact ought to be stated, that several of the Cherokees are regularly engaged in supplying the soldiers with whiskey; and, were it not for the garrison here, not one-tenth part of the whiskey now smuggled into the Indian country would be introduced. The commissioners would, however, state that a company of infantry might be kept here for the present, and this post be continued for the winter quarters of the *dragoon corps*.

The commissioners would also recommend the establishment of the following posts, on or near the western line of the agricultural district:

1st. A post on Red river, above the Fausse Washita. This, from its position, being on the borders of the United States and Mexico, will always be an important and permanent post, and is indispensably necessary to keep in check the Indians that reside in Texas, but who, in pursuit of the buffalo, spend much of their time within the bounds of the United States, and from whom danger is apprehended by the emigrant Indians in that quarter. Should this post be established, it is probable about six hundred Chickasaws would soon remove and settle between the Blue and Fausse Washita rivers; and when they are once here, the whole of their tribe, except a few wealthy half breeds, perhaps, would follow them.

2d. A garrison on the Arkansas, above the Little Arkansas, and as near the Santa Fé road as practicable. This would serve to protect the Santa Fé trade, and preserve peace between the Osages, Kanzas, and the erratic tribes west of them; and also protect the Creek and Cherokee countries in that quarter. Perhaps it may be necessary to erect a small temporary work between these two posts on the north fork of the Canadian, to encourage the extension of the Creek settlements in that direction, and afford them protection. These posts might receive their supplies, it is believed, up the Arkansas, by keelboats, or small steamboats, at the annual rise of the waters in June, which generally continues a few weeks. If this, however, should be found impracticable, they may always be transported from the Missouri by the Santa Fé route, or from Red river, as a road can easily be made over the prairies.

3d. A garrison on the Platte river of the Missouri, above the Grand Pawnee village. This is one of the main routes to the Rocky mountains, and is necessary to protect the Pawnees, Omahas, Ottoes, and Missourias, who have manifested desire to give up their erratic habits, and settle

down permanently, and follow agricultural pursuits. It would also te
to preserve peace among the several Indian tribes west of them. Th
post would be about one hundred miles from the Missouri, and there is
good wagon road leading to it.

4th. A garrison on the Upper Missouri, in the Sioux country. Th
nation has been carrying on war with all the surrounding tribes, and h
nearly destroyed some of them, and driven others from the Missouri to t
interior of the country. It is indispensably necessary for the peace a
protection of the Indian country, that this tribe should cease to make w
and commit depredations on their neighbors; and to effect this, one
more posts are absolutely necessary in their extensive country. Shou
this be effected, other tribes would soon settle on the Missouri, betwe
them and the Pottawatamies; and the Winnebagoes might then be ind
ced to remove immediately on their lands west of the Mississippi, on t
Upper Ioway river.

The establishment of the above posts, and the active operations of t
dragoon regiment, will effectually protect the emigrant Indians agai
the erratic tribes to the west and north of them; enforce the intercour
laws; preserve peace between the Indians and our own citizens, a
also between the respective tribes.

The expense of maintaining these posts, it is believed, will not mater
ally increase the expenditures of the War Department. For the remov
of the Indians from the east to the west of the Mississippi will rend
many of the northern posts useless: and the troops. occupying these station
together with those at present at Fort Gibson, will be sufficient to mai
tain all the posts above recommended.

The commissioners are of opinion that the dragoon corps is just suc
a military force as the peculiar situation of the Indian country and t
public service require. And from the experience of its commander i
Indian warfare, and the high reputation of all the officers of this regimen
and the active and martial appearance of the soldiers, the most benefici
results may be anticipated from their services. What has been said of t
dragoons, is not intended to derogate, in the least degree, from the meri
of the corps of infantry stationed in the Indian country, from whose com
manders and officers the commissioners have received every aid and a
sistance to suppress or punish aggressions which might otherwise hav
led to hostilities among the Indian tribes. This corps might pass throug
the whole Indian territory, and visit the above posts in order; or
might be so divided and stationed in different sections of the country, a
most effectually to accomplish the object for which it was organized— t
peace and security of the country. To visit all these posts in order, th
might leave the Arkansas, or Fort Towson, on Red river, in the sprin
and proceed to the post above the Fausse Washita, passing through t
Choctaw settlement; from thence, through the Creek, Seminole, and Che
rokee country, to the post on the Arkansas; thence, through the Osage
Kanzas, Delaware outlet, and unappropriated lands, to the post on t
Platte; thence, through the Pawnees, Omahas, Poncas. to the post in t
country of the Sioux; thence, through the Sioux, to Fort Snelling, on t
Upper Mississippi; thence, through the country of the Winnebagoes, Sacs
Foxes, Ioways, Pottawatamies, Chippewas, and Ottawas, Ottoes, Missou
rias, and Kickapoos, to Fort Leavenworth; from thence, through t
Delawares, Shawnees, Osages, Senecas, Cherokees, and Creeks, to For

Gibson, where a part of the corps might go into winter quarters, or proceed to the post on the Arkansas or Red river. If the regiment should be divided into two parts, the above circuit might be performed once a year; and the same corps might alternately winter on the Missouri and Red river.

Experience, however, may point out, in a little while, that the public service will be best promoted by separating this corps into smaller divisions, and by stationing them at some of the most important posts on the eastern and western limits of the Indian country; and from which they may occasionally make such excursions as the public service may require.

* * * * * * * *

The commissioners would now proceed to notice several subjects deeply connected with the prosperity of the red men. In the first place, the evils attending the present regulations of trade deserve particular attention.

The old factory system was abandoned, and licenses granted to individuals, hoping, no doubt, that competition would guard against extortion, while private capital saved a public loss. Has the remedy equalled the expectations of Government? Are the Indians fairly supplied? Are they protected from fraud and imposition? These are interesting questions: an examination of Indian trade, we are confident, will convince Government that much yet remains to be done.

It should be remembered that the Indians are placed by Government far in the interior, without any ability to help themselves. Their wants can only be supplied by the humane exertions of Government, or individuals. The Indians, too, have but little to exchange for merchandise. The game is fast disappearing, and peltry will soon be gone. The dependence for subsistence, then, must rest upon annuities and manual exertion. The annuities in some cases have expired, in others they have but a short time to run; and although in the aggregate considerable, yet, when distributed *per capita*, they afford but little to maintain the red man through the year.

As respects competition, it may be said that this has sometimes reduced the price of goods below the first cost of the same, but this was done to secure monopoly, by breaking down small adventurers; for as soon as the new competition was destroyed, the most extravagant prices were demanded.

It may not be unfair to estimate the average profits charged on goods in the Indian country at 100 per cent. In the south it may be a little less; in the north it is much more.

The documents herewith transmitted, marked E, F, G, will show conclusively the necessity of inquiring in behalf of the poor aborigines.

The Government are already acquainted with the cost of several of the articles at the outposts of Fort Leavenworth and Fort Gibson. Sugar costs less than nine cents; Indians cannot get it under 100 per cent. advance. Domestics are charged equally high. Tobacco, which costs in New Orleans five or six cents, is sold at twenty-five cents. It may be here remarked that freight from New Orleans costs one and a half cent per pound. This is the most favorable representation. Further in the interior the price advances in a lamentable ratio, as the documents referred to abundantly prove.

To the traders Indians must resort with their pittance of investment.

Proverbially jealous, the red man becomes still more so by listening to the mercenary suggestions of the merchant, who advises the receipt of cash, to deal with *him*, rather than take goods at first cost from the Government. The consequence is apparent; the Indian gets but little for his money.

The course of trade, too, is liable to serious objections. It is believed that traders have credited already to the Indians, within the estimated bounds of the territory, not less than half a million of dollars. The danger of loss by depending on voluntary payment, has induced the seller to charge enormous profit.

At the same time that efforts are made to collect old debts, new ones are urged, until there remains no probability of payment. On what does the trader rely? Mostly on peltry. How is this obtained? How are the red men driven to the hunt to discharge their credits? Alas! by the chiefs, who are kept in subserviency and good humor by frequent presents. The young men are driven again and again to the chase by headmen, who are responsible as sureties, or bribed to use influence or authority.

Several tribes, in private council, have stated these grievances, the enormous profit charged, and lamented their utter inability to pay the traders, and get out of debt.

It is not improbable that the trader, from the great liberality of Government to Indian merchants, may place some reliance upon subsequent treaties with the Indian debtors, when the balance due will, as a *sine qua non*, be paid by the United States. If, then, the trader is ever increasing indebtedness, and hurrying the Indians to the chase to cancel it, and presenting no motives but those calculated to draw him from agriculture, how can we expect civilization? Whatever exceptions there may be, traders are interested to oppose the civilization of the Indian tribes. The reason is obvious: their trade will be destroyed; and human nature must change, before Government can expect concurrent exertions from men, against their interest.

It is feared that some who have obtained licenses, are alike indifferent to the wishes of Government, and the welfare of the Indians. Could it have been expected, that, after Government had declared by a law of Congress, that no ardent spirits should be introduced into the Indian country, under *any pretence whatever*, capitalists now licensed to trade, would have established distilleries here, and seek to screen themselves from the letter of the law, which does not forbid *making* whiskey in the country, although it prohibits its *introduction?* (See document G.)

Whether competition among traders, after the abandonment of the factory system, has answered the expectation of the Government, will appear by examining the prices now charged in the Indian country.

Who would have supposed that, on the borders of the navigable waters of the Missouri, no farther west than Fort Leavenworth, guns, which cost in St. Louis $7, are sold for $30? Squaw axes, which cost 37½ cents, sold at $2? A double handful of salt, which cost 62 cents per bushel, sold at $1? 5 and 6 gallon kettles, costing 25 cents per lb., sold at $12? (See document marked F.)

Who would have supposed that, on the navigable waters of the Upper Missouri, the Indians would be compelled to pay the following prices?

	Cost in St. Louis.	Sold at
For a yard of strouding, costing per yard	$1 80	$ 8 00
1 three point Mackinac blanket - -	4 00	12 00
1 2½ point do do - -	3 00	10 00
American calico, per yard - -	16	1 00
English do do - -	22	1 50
Indian guns, per piece - - -	7 50	25 00
Gunpowder, per pound - - -	30	1 50
Tobacco, per pound - - -	7	1 00
Hoes, per piece - - -	40	2 50
Vermillion, per pound - - -	1 50	7 50
Whiskey, per gallon - - -	25	16 00
Blue strouding, per yard - -	80	3 buffalo robes.*
White beads, per pound - - -	35	3 00
Tobacco, per pound - - -	5	1 00

Many other articles are specified in the schedules referred to, marked E, F, G.

There is no reason to doubt the fact that one company has now in operation an extensive distillery of ardent spirits at the mouth of the Yellow Stone river, where, it is said, alcohol reduced to proof is exchanged with Indians at $64 per gallon, and, when carried to the interior, at a much higher price.

Is there no remedy for these evils? If not, then the fears of the benevolent will be realized, and the Indians doomed to a speedy extinction.

Remedy.—Among other remedial acts, the commissioners would respectfully suggest, in the first place, the expediency of Government furnishing goods at first cost, to pay all the annuities; this arrangement would give the Indians who receive their annuities in cash, at least 100 per cent. more. It would compel none to accept goods, while the offer to pay in merchandise, a little previous to usual cash payments, would induce, it is believed, every annuitant to prefer the former.

Nor would the commissioners advise to make the St. Louis price the standard, as it now is by several treaties. A comparative view of prices between Eastern markets and St. Louis, shows that an important saving can be made for the Indians, by a purchase more direct from the importer or manufacturer.

In addition to this, it would be desirable if Government could in some way provide goods at cost and charges to Indians beyond their annuities; but should Government not be willing to do this, private associations, under the special directions of the department, might, and it is presumed would be willing to furnish the goods, with no other compensation than a bare indemnity. Such are the peculiar difficulties in our Indian relations, that a plan for trade, dependent for success more on moral influence than physical coercion, will be least objectionable in adoption, and more permanently useful in practice.

A depot of goods could be kept at the military stations on the navigable waters of ——. When roads are constructed, the transportation of the annuity to each tribe will be a small item.

The commissioners would only add on this point that Indians among the more civilized tribes are themselves carrying on an extensive trade.

* Buffalo robes are wort $3 00 to $3 50 cash. (See document G.)

Some sell as high as $25,000 or $30,000 annually; and if credits are to be given, it is better to confine them to creditors who can enforce the collection laws of their respective tribes.

Residence of white men.

If the Indians are exposed to any danger, there is none greater than the residence among them of unprincipled white men. Some have eluded the pursuit of justice, and located themselves here, where they fancy themselves free from punishment for the past, and without restraint for the future.

Already a jealousy exists between the citizens and red men, although connected by conjugal ties; and while the Indians must be permitted to marry if they choose citizens of the United States, yet these citizens need not be recognised as Indians, or encouraged to settle in the Indian country; nor ought these citizens, while sojourning with the red men, to be protected from the full operation of the Indian laws, however severe. Some citizens now flee from the Indian tribes to the military district for protection, alternately claiming the rights of Indian or citizen, as may suit their convenience. A word of caution to the red man, who after his many wanderings has found this last home, will, it is believed, secure his influence to remove those who may endanger his future peace. A few citizens have lived with the Indians from boyhood, and some few are evidently beneficial by their example. These, by request of the tribe, might always remain.

While Indians resided within the States, and were apparently destined to become citizens, an intermixture with the whites was not only approved, but encouraged by distinguished statesmen. Now their situation has entirely changed. Declaring their unwillingness and inability to submit to the municipal laws of the States, they have reluctantly abandoned their old homes, and sought on the confines of our habitable land an asylum from white neighbors; and lest the failure of the plan for civilizing the Indians by themselves in this new home shall be attributed to Government, it is important that every reasonable complaint against the residence of citizens in the Indian country should be removed. The commissioners are now informed that the Cherokees west have, by an order of their council, made requisition upon their agent for the removal of one hundred white men from their nation. Where there is neither moral nor legal restraint, and the natural passions find indulgence, it is not strange that the example of the white men should in some instances be so pernicious, and it is extremely to be regretted that the exception cannot exclude several admitted and supported by the patronage of Government.

By the present law regulating trade and intercourse, the moral qualification of the applicant, we are informed, is not the subject of inquiry. The agent has no discretion to reject the applicant on account of moral deficiency; his discretion is confined to the validity of the bond. Hence some improper characters are admitted into the country under license to trade: not only the merchant comes himself, but he introduces clerks, assistants, and servants. And was not *illicit connexion* with the *Indians by citizens* so great an evil, the commissioners would not have named it in their report.

The license to large companies has been improved by extending trading

houses in many directions, and introducing trappers into the country. Where is the security for the good conduct of these men? The passage of the trappers through the Indian villages is marked by a long train of woes entailed by debauchery and disease upon illicit connexion. What can be the remedy? In the first place, reduce the number of white men as much as possible, unless admitted by Government for purposes of civilization: and in the next place, permit no citizen to reside in the Indian country, whether agent, teacher, or laborer, without a bond for his good behavior. Let certain breaches be specified in the condition. Those who resided under this penalty would be restrained in the commission of offences, or the bond would afford the unfortunate sufferer partial remuneration for the injury sustained. If a share of the forfeiture was given to the informer, this might stimulate to detection, and gross errors rarely pass unpunished. (See document I.)

Pasturage regulations.

The violation of the intercourse law, which prevents citizens from pasturing Indian lands, is now frequent, and will every year, as the frontiers settle, be an increasing evil. The Indian range will long remain the best. Energetic laws to deter offenders, and yet not to sacrifice cattle estray, could be well administered by federal judges.

Trapping law.

A great cause of Indian hostility is the violation of the *trapping law.* Licenses to trade are construed into licenses to *trap*. The mountains are filled with men employed to catch beaver, and kill other game. This right to hunt, is defended by our citizens at the point of the bayonet. The wild Indians are unwilling to yield this last remnant of hope without a struggle, and it would seem as though the aborigines might be spared what little is left in the wilds of our country.

There never will be peace on our most distant frontiers, until the intercourse laws are better enforced. When judicial tribunals are established here, and the guilty punished, then, and not till then, will the red man believe that our words are true, and our friendship sincere. (See document marked E.)

Medical assistance.

The commissioners would respectfully suggest the propriety of providing medical relief to the sick Indians; many are suffering, and many have died with complaints, subject apparently to the control of medicine. Our duty to contribute this assistance will more fully appear, when we reflect that the worst diseases are those introduced by the vices of white men. Aside from this consideration, none are so gladly received as those who come with the healing art. Humanity points to the physician as among the first, and experience proves him to be among the best means to civilize the aborigines.

Commutation of annuities.

The commutation of annuities will be highly beneficial: this will afford Indians greater present help, cut off their anticipations for future assist-

ance, and thereby stimulate individuals to manual exertion. A comparison between those tribes who have, and those who have not annuities, produces a doubt whether annuities are beneficial.

Mr. Cummings says that those tribes in his agency who depend upon their own exertions, are the most prosperous. What is due must be paid, according to stipulation; but the trifling annuity of a few dollars, divided among a tribe, cannot grant much relief, while the expectation of something, by those ignorant of numbers, or money, will encourage idleness. Besides, some tribes are fast diminishing. Will a permanent annuity to a few survivors be better than a commutation now, to relieve the whole tribe, and lengthen their existence? The principle upon which the perpetual annuity should be commuted is doubtful. Justice at least should be shown the Indians. The Board have hitherto based their propositions upon the supposition that four dollars of annuity was worth one hundred dollars in cash, and reduced the payment within twenty years. This subject of commutation is new to most tribes. It cannot be pressed upon their immediate decision. As the annuitants advance in civilization, their wants will increase; new objects of expenditure will present themselves, and hereafter induce them more readily to accept what is now offered.

Organization of the territory.

Before the organization of the Indian territory is proposed, it may be proper to advert again to the situation of the red men, both indigenous and emigrant: the former have always enjoyed their own laws and customs; the latter have left their residence within the States, to find a home beyond the municipal regulations of white men, while Government has reserved a constitutional supervision over all her red children. She has solemnly guarantied protection of life andp roperty to every tribe who removes here, and given an assurance that no State or Territory shall exercise jurisdiction over them. Hence intercourse laws are necessary: they may be made so energetic, too, as to deter offenders, be they either *citizens* of the *United States* or *individuals* of *another tribe*. All this may be done without impairing in the least the independence of a tribe within its own limits.

Within these limits the municipal laws of the tribes may be enforced; and, should the laws of the tribes and the laws of the United States give concurrent remedies, this would create no difficulty. It is, indeed, desirable to encourage the several tribes to adopt salutary laws, as far as possible, and render less frequent the intervention of Government: and yet the United States cannot so far rely upon the tribes themselves, as to dispense with adequate measures on their part to fulfil the guaranty of the Government. The impunity with which violators of the intercourse laws now escape punishment, though occasionally prosecuted before State tribunals, shows conclusively that the reliance of Government must rest in her federal judges administering the laws here, when a jury can be summoned, at least not unfavorable to the civilization of the Indians.

At present, offenders are taken for trial to Missouri and Arkansas; and such, on the frontiers, is the extent of *similar transgressions*, and such are the connexions of the *aggressors*, that few have been convicted, though the evidence has been apparently conclusive. (See document K.)

The commissioners, therefore, beg leave very respectfully to suggest

the expediency of organizing this Indian territory for the sole purpose of enforcing the laws of the United States, as far as they are applicable to the Indian country. One governor, a secretary, a marshal, a prosecuting attorney, and a judiciary, with adequate clerks, will be necessary. The Board have not been able to decide upon the number of judges: not more than *three* have, however, been proposed. *One* has been proposed, with a residence in a central position. The proposition of *two* has been accompanied with a suggestion of the residence of one in the northern district, at Fort Leavenworth, and the other in the southern district, perhaps at Fort Gibson. The proposition of *three* has been made, as giving still better judicial protection.

The commissioners would observe that Fort Leavenworth is the most central position for the residence of the Governor and meeting of the grand council of the Indians, if any reference is had to protection and accommodation. This post will not be over three hundred miles from any agency in the territory, and when roads are constructed, the Governor, who, it is supposed, will be superintendent of all the tribes west of the Mississippi, can hear from each agency every week, and from Washington in seventeen or eighteen days. Fort Leavenworth possesses many advantages over Fort Gibson: the former is much the more healthy: it has the advantage of two mails per week, and the completion of the national road to the capital of Missouri will give a vast preference to the route, for correspondence, over the doubtful passage through the swamps of the Lower Mississippi.

Grand annual council of Indians.

The red men have, very generally, requested the Government to permit them to assemble by delegation, once a year, at some convenient place within the Indian territory, leaving the President to designate the number of delegates, and the time of meeting.

They have also requested Government to provide adequate means to defray the expense of this meeting.

The commissioners cannot fail to urge strongly upon Government the propriety of granting these requests. The advantages of this annual assemblage are obvious: it will be highly gratifying to the red men. Here distant tribes may meet to settle difficulties, make peace, renew their friendship, and propose salutary regulations for their respective tribes. Here, too, improvements in the arts could be exhibited, and the savage tribes permitted to see and taste the fruits of civilization; here, also, the Government could communicate instruction and advice to her red children. It is not improbable that the tribes may, ere long, adopt some general articles of confederation for their own republic, not inconsistent with the wishes of Government.

There will be, for some time, a great jealousy upon every effort of Congress to regulate the internal polity of the Indian country; but, if an attendance on the general council did not commit the *minority* by any act of the *majority*, it is believed the representation would be a full one, embracing some who have not yet signed the articles of peace.

The commissioners would suggest the expediency of inviting a delegation of every tribe east of the Mississippi, who contemplate a removal west, to attend the council of the red men.

It is believed this assemblage will inspire new hopes in the Indian territory, and induce them to unite in a residence which promises freedom from present embarrassments in the States, and opens a door for enterprise and emulation.

Temporary accommodations, resembling the Pawnee dw ıgs, could be constructed in a short time, and at a trifling expense. The room for the general council could be an amphitheatre sufficiently large to accommodate 300 persons.

Among the tribes who have requested an annual assembly, three-fourths in number and population would be best accommodated on the waters of the Missouri.

Should the Government approve this plan of assembling the Indians, the commissioners would recommend an appropriation for buildings to accommodate the delegates, and remunerate them for their time and expenses. This is an experiment deeply interesting in theory. It is simple in practice.

The advantages are the preservation of peace, and advancement of civilization. It is hoped, therefore, the appropriation necessary to gratify the favorite wish of the red men will be cheerfully made. Nothing can be better calculated to rouse exertion, or to kindle emulation, than the prospects of self-government. If the red man fancies this to be happiness, let him be encouraged, while struggling to imitate our example.

The commissioners would recommend the first meeting in the fall of 1834. For estimate of expenses see document M.

It is worthy of remark that at present no person within the Indian territory can administer an oath, nor can letters of administration be taken out any where to settle the estate of citizens dying here. The practice of resorting to the tribunals of Arkansas and Missouri, for authority to act here, it is believed cannot bear judicial investigation. And while it is hoped as few white people will reside here as is practicable, yet those few must obtain judicial protection.

Neutral strip on the boundary.

To remedy collision produced by too great a vicinity in residence, and to check the force of temptation on the confines of the States, the commissioners would further recommend the propriety of prohibiting settlements (unless for the purpose of accommodation) on a strip of land five miles wide, between the citizens and Indians, as marked on a map herewith transmitted.

It is evident that citizens and Indians will be attracted to the boundaries between them for purposes of trade, both lawful and unlawful; and it may be here mentioned as an evidence of the expectation of some white men, that within a short distance from the east Delaware boundary, two whiskey distilleries are now being erected, and grog shops are built on the very lines, to make proof difficult in a prosecution for introducing ardent spirits into the Indian country.

The capture of cattle estray will be a perpetual source of difficulty near the boundary lines, and a neutral strip of five miles will prevent much private trespass and personal ill feeling. A post road might be constructed on this strip of land, to connect the frontier posts, and both citizens and Indians could travel this path, and here drive their cattle without infringing the rights of either.

As most of the land requisite for this object belongs still to the United States, it is desirable that further sales embraced within these limits be

suspended, unless the plan should not be deemed worthy of further consideration. A few settlers who might be required to remove could be accommodated with other public land, in exchange. It is only added on this point, that the road, running chiefly through a level prairie, is easily made; the labor could be performed by the troops: while the accommodation afforded would greatly enhance the public lands in the vicinity.

Indian distilleries.

Among the salutary regulations, none are attended with more embarrassment than those which restrict the fancied rights of the Indian in his own country; here he imagines himself free to do as he pleases, and acknowledges no restraint beyond the laws of his own tribe. Hence, in the Cherokee country, a distillery has been erected by a half breed, where whiskey is manufactured in considerable quantities. The great success of this establishment, and the impunity with which this business is carried on, has stimulated others to embark in the same enterprise, and more distilleries will be erected as soon as orders for stills can be supplied. The strong inducement to manufacture the liquor, will appear from the ready cash sales, being not less than $95 by the barrel, or $190 when retailed by the small measure. (See document marked L.)

From the supervision which the constitution authorizes, and the vigilance manifested by Government, it is presumed that this fact need only be stated to secure a remedy for an evil alike destructive to the life and happiness of the red men. It must be preposterous to prevent intemperance by prohibiting the introduction of ardent spirits, if the same can be manufactured within the territory. It is truly said, the "living fountain of depravity has sprung up here." Alas! the poisonous draught which brings forgetfulness of the past, and recklessness for the future; which converts an Indian into a demon, with every baneful passion excited, and every moral barrier prostrated, exhibiting a loathsome spectacle, of which no conception can be formed by those who have only seen the excess of civilized life.

The commissioners, in conclusion, would only add, that the preceding pages show the great delicacy as well as responsibility of the task imposed upon them. Under instructions to report fully all information relating to the country assigned as a permanent home to the aborigines, they could not withhold the communication of facts connected with the welfare of the Indians, whatever bearing these communications may have upon the feelings or interests of individuals. If the documents referred to in corroboration of the report shall lead to further inquiry, and this shall produce a more favorable impression, the commissioners will rejoice in the result.

Reports on the subject of *Indian education* and improvement, the expense of agencies, and the propriety of reducing the number of agents, are deferred for further examination.

Confiding more in the rectitude of their intentions than in the success of their humble efforts in behalf of the poor aborigines, they remain,

Most respectfully,

Your obedient servants,

M. STOKES.
HENRY L. ELLSWOTH.
J. T. SCHERMERHORN.

Protest of M. Stokes, one of the Commissioners of Indian Affairs, against the general report of the said Commissioners.

In order to give the undersigned commissioner an opportunity of manifesting his dissent from a part of the general report, he enters the following protest, to be included in the general report, and to follow immediately after the signature of the commissioners.

The undersigned, commissioner of Indian affairs, cannot concur in the recommendation for the removal of the principal military garrison from Fort Gibson to Fort Smith, or its vicinity.

The reasons assigned in the general report for establishing a large military garrison on the Arkansas river, on the confines of the Indian territory, are by no means such as to satisfy the undersigned that this change is necessary. The military force, munitions of war, and stores, recommended to be kept at Fort Smith "to meet any emergency that might occur," might be kept with equal security at Fort Gibson, except such munitions of war as might be necessary to arm and equip the militia of Arkansas; whilst a large military force at Fort Gibson would be much more convenient to operate upon the Indians in case of necessity. Fort Gibson, at the mouth of the Neosho or Grand river, is in a rich and populous part of the Cherokee lands. It is within one mile of the eastern Creek boundary, about thirty-five miles from the northern Choctaw boundary, and about one hundred miles from the Osage, and the same distance from the Seneca reservations.

Fort Gibson, and not Fort Smith, may be called the head of steamboat navigation; for during the year 1833 there were seventeen arrivals of steamboats at Fort Gibson. The garrison has been established here ten years, and there has not, during that period, occurred any difficulty in supplying it with provisions or military stores.

It is stated, in the report, that the expense of building a fort at this place would be greater than at Fort Smith. The undersigned would observe, that there is building stone of the best kind on the spot, more than sufficient to erect the fort and all the buildings that can ever be necessary, even if this place should be selected as the seat of Government for the Indians west of the Mississippi; and limestone, in abundance, is found on the garrison reservation.

It is stated in the report, "that it has been found, by sad experience, that a large military force, stationed as this is, and surrounded by Indian settlements, has a demoralizing influence upon the Indians; that it is impossible to restrain the intercourse between soldiers and Indians, and that several Cherokees are engaged in supplying soldiers with whiskey; that were it not for the garrison here, not one-tenth part of the whiskey now smuggled into the country would be introduced."

Admitting all this to be true, how are these evils to be remedied, and the Indians benefited by a removal of the military garrison from Fort Gibson to Fort Smith? Fort Gibson is situated in the heart of an Indian country, where the introduction of whiskey is altogether prohibited by law. The garrison at Fort Smith would have the Indians immediately around it on the north, south, and west, amongst whom the sale of ardent spirits is forbidden; and on the east, adjoining the garrison, are the settlements of the people of Arkansas, where the sale of ardent spirits is authorized by law, and where houses and shops for the sale of spirits may

be, and are now, erected and licensed within one hundred yards of the fort. At Fort Gibson it is not easy to elude the watchful vigilance of the commanding officer of the garrison by smuggling whiskey into the neighborhood of the place, and he has already seized a considerable quantity; but if the garrison is removed to the line between the whites and Indians, there cannot be any restrictions enforced to prevent the white citizens from introducing among the Indians as much whiskey as the Indians can pay for.

Upon the whole, the undersigned commissioner has noticed with great satisfaction, that, since the emigration of the Cherokees, Creeks, and Choctaws, this place (Fort Gibson) has grown up into a place of trade and importance to these nations. They are in favor of it as the best military station for their protection. They feel interested in its continuance as a market for their produce. Already, in the infancy of the settlements, the corn and beef contracts for the use of the garrison, amounting to about $8,000, have been taken by Indians, and will be faithfully complied with. The place affords a market and ready sale for most of the articles of family consumption, such as beef, pork, mutton, venison, fowls, butter, eggs, potatoes, turnips, and other vegetables. There is scarcely a day in the year without some of these articles of luxury and comfort being brought into this market by Indians. This tends greatly to encourage them in agricultural pursuits. The Creeks are particularly benefited by this traffic. If the military garrison is removed from Fort Gibson to Fort Smith, the Creek nation will be excluded from this home market. The nearest settlements will be fifty miles from Fort Smith, with a bad road to travel. The undersigned can venture to assert, that although Fort Gibson is in the Cherokee country, yet the greater part of the Creek nation feel as much interest in the continuance of the garrison at Fort Gibson, as the Cherokees do.

M. STOKES,
Commissioner of Indian Affairs.

APPENDIX TO REPORT OF COMMISSIONERS OF INDIAN AFFAIRS, WEST.

A.

General Treaty of Peace.

Whereas the United States are now endeavoring to advance the welfare of the red men by assigning them all a permanent home in the West; and whereas the number and contiguity of the tribes will render necessary some regulations to protect life and property; and whereas our great father has, through his commissioner, our friend, H. L. Ellsworth, convened many tribes together by delegations, to make a treaty of peace and friendship: Now, in order to show our willingness to listen to the advice of our great father, and believing it good for our people to live in amity with those whom the Great Spirit has marked as brothers, the undersigned tribes or nations, viz. Delawares, Pawnees, Shawnees, Kanzas, Ioways, Ottoes, Omahas, Kickapoos, Weas, Peorias, Piankeshaws, Kaskaskias, Ottowas, and Pottawatamies, do hereby mutually covenant with each other, and bind ourselves in the following articles of agreement:

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ART. 1. All hostile acts shall immediately cease; and each tribe mutually agrees with the other to maintain peace, to respect the rights of persons and property, and to do all in their power to perpetuate the friendship hereby declared and established.

ART. 2. No private revenge shall be sought, and all damages sustained by either tribe in any war party, is hereby cancelled, settled, and forgiven: but any individual shall have the right to prefer his claim against any other individual of another tribe, for horses lost or stolen, or any other property wrongfully taken or detained, to the adjustment of the umpire hereafter mentioned.

ART. 3. To preserve peace and good will, the parties hereto hereby agree not to seek personal revenge for injuries hereafter committed, or to make these injuries the cause of war, but to refer the matter of difficulty, through their respective agents, to such umpire as the President shall appoint to adjust and decide upon the same, and said tribes hereby agree to abide the decision of the said umpire, and also to deliver up the offenders against any article herein mentioned, to be punished by the laws of the United States now in force, or such as may be adopted hereafter.

ART. 4. Believing an annual assembly of the red men will be conducive of much benefit, we hereby request our great father to designate the time and place of meeting, together with the number of representatives from each tribe, by them to be appointed, and provide adequate means to defray the expense of the same.

ART. 5. It is agreed that the flag of the United States shall be our protection, and token of friendship, whenever and wherever we meet.

ART. 6. As all the tribes called together have not yet arrived, it is agreed that those who shall hereafter arrive, shall become parties to this agreement by subscribing the same, shall be entitled to all the privileges, and bound by the same obligations, as fully as if now present.

ART. 7. Whereas it is proposed by said commissioners that the Osages, Cherokees, Creeks, Choctaws, Seminoles, and any other tribe residing north of the Red river, may become parties to this agreement, we hereby declare our entire willingness that all such shall become parties to the same, by subscribing these articles, and giving due notice thereof, and these articles shall be binding upon those who shall subscribe the same.

In witness whereof, we have set our hands and seals, at Fort Leavenworth, this 12th day of November, 1833.

In presence of	Indian names.	Translation.	Signatures.
	Delawares.		
Henry L. Ellsworth,	Mey-sha-quo-wha,	Patterson,	his ⋈ mark.
United States Commissioner,	Nah-ko-min,		his ⋈ mark.
Edward A. Ellsworth,	Tuh-whe-la-ben,	Captain Kitchinn,	his ⋈ mark.
Secretary pro tem.	Nonon-do-quo-mon,		his ⋈ mark.
B. Riley,	Sha-wah-nack,	The white man,	his ⋈ mark.
Major commanding,	Shu-con-di-ah-hing,	Song house,	his ⋈ mark.
John Dougherty,	Ou-loo-ho-tah-mah,	John Gray,	his ⋈ mark.
Indian agent,	Nah-kah-pash,	Moses,	his ⋈ mark.
Richard M. Cummins,	To-le-tah-sey,		his ⋈ mark.
Indian agent.	Kah-ke-tah-wah,	Big man,	his ⋈ mark.
	Shawnees.		
Andrew S. Hughes,	Sah-lo-wah,	John Perry,	his ⋈ mark.
Sub-Indian agent,	Pen-sah-tah,	William Perry,	his ⋈ mark.
J. S. Bean,	Wy-lah-lah-pinh,		his ⋈ mark.
U. S. Sub-Indian agent for Upper	Wah-she-kak-kansas,	Corn stalk,	his ⋈ mark.
Missouri,	Kah-kaus-kah,	McNair,	his ⋈ mark.
F. W. Miller,	Chah-kas-kah,	Spy buck,	his ⋈ mark.
U. S. Indian agent,	Chah-wah,		his ⋈ mark.
A. G. Morgan,	Lee-sah,	Lewis,	his ⋈ mark.
Sutler U. S. army.			
	Kickapoos.		
Wm. W. Wickliff,	Pat-sa-che-haw,		his ⋈ mark.
Captain 6th infantry.	Kameh-kah-kah,	Prophet,	his ⋈ mark.
	Pottawatamies.		
Asa Richarson,	Quah-quah-tah,		his ⋈ mark.
First lieutenant 6th infantry.	Noh-sha-com,		his ⋈ mark.

In presence of	Indian names.	Translation.	Signatures.
	Ottawas.		
R. Sevier,	Oh-kah-no-quah-se,		his ⋈ mark.
Lieutenant 6th infantry.	Chi-cah-cah,	Pole cat,	his ⋈ mark.
	Peorias and Kaskaskias.		
J. Conrad,	Wah-pi-shah-pah-nah,	White shields,	his ⋈ mark.
Lieutenant 6th infantry,	Pah-nee-kah-wah-tah,	Big Harry,	his ⋈ mark.
J. Dunlap.	Ke-moh-rah-niat,	Jim Peoria,	his ⋈ mark.
	Geh-mah-sheh,	Le Coigne,	his ⋈ mark.
	Weas.		
John T. Irving, jr.	Quih-wha,	Negro beg,	his ⋈ mark.
A. Shane,	Wah-pon-quah,	Swan,	his ⋈ mark.
Interpreter for Shawnees,	Jah-tah-quah-pah,	One who stands by himself,	his ⋈ mark.
James Conner,	The-kah-sah,	Charley,	his ⋈ mark.
Interpreter for Delawares.	Ke-she-wah,	Ball,	his ⋈ mark.
	Ottoes.		
his	The-mo-neh-kah-say,	Jetan,	his ⋈ mark.
Baptist ⋈ Peoria,	Ah-che-kah-sucker,	He that strikes the Osages,	his ⋈ mark.
mark	Keh-gah-ru-gah-rah,	He that judges for himself,	his ⋈ mark.
Interpreter for Peorias, Kaskaskias and Weas.	Cha-wan-ga-he-gah,	Buffalo chief,	his ⋈ mark.
	Omahas.		
his Peter ⋈ Cadue, mark Interpreter for the Kickapoos, Ottawas, and Pottawatamies.	Wah-con-ray,		his ⋈ mark.

In presence of	Indian names.	Translation.	Signatures
	Grand Pawnees.		
his	Sha-reh-tah-vish,	Ill natured man,	his x mark.
Lewis x La Chapelle,	Lah-pah-conracole-sho,	The mouth chief,	his x mark.
mark	Oh-sah-non-kah-re,	White stud horse,	his x mark.
Interpreter for all the Pawnees.	Tay-loo-kah,	Buffalo bull,	his x mark.
	Tappeige Pawnees.		
	Ska-lah-lay-shah-ro,	The only chief,	his x mark.
	Tah-rah-she-tappatch,	The continual mover,	his x mark.
	Kish-kay,	He that strikes the bones,	his x mark.
	To-leh-lah-looli-ah-cho,	He that makes himself chief,	his x mark.
Witnesses to the Kanzas 16th November, 1833.	*Republican Pawnees.*		
H. L. Ellsworth,	Ah-shah-lay-roh-she,	The dead horse,	his x mark.
U. S. Commissioner,	Ta-lah-le-rah,	The medicine buffalo,	his x mark.
Edward A. Ellsworth,	Keep-ta-haugh-te-koo,	Big axe,	his x mark.
Secretary pro tem.	Tah-kiah-re-rah-koo,	The man that kills many,	his x mark.
	Tallah-ka-wah-ko,	The name of a chief,	his x mark.
	Pawnee Loups.		
B. Riley,	Pah-kah-lo-koo,	Big voice,	his x mark.
Major U. S. army commanding,	Pah-sho-she,	The brave,	his x mark.
M. G. Clark,	Kah-kah-la-loo-shah,	The carrion crow,	his x mark.
Indian agent for Kanzas.			
	Kanzas.		
John Dougherty,	Nom-pah-warah,	White plume,	his x mark.
Indian agent,	Kghe-ga-wah-in-ga,	The foolish chief,	his x mark.
Andrew L. S. Leigher,	Kghe-ga-war-chu-ke,	The hard chief,	his x mark.
Sub-Indian agent for Ioways, &c.,	We-cho-chin-gtch,	The little white bear,	his x mark.

In presence of	Indian names.	Translation.	Signatures.
John L. Bean,	Pa-hus-kah-gah-rah,	The white hair striker,	his ⋈ mark.
U. S. Subagent for Upper Missouri,	Ioh-tah-lah-say,	Gray eyes,	his ⋈ mark.
A. Richardson,	Weih-ho-bah-ke-gara,	The carrier of the war god,	his ⋈ mark.
Lieutenant U. S. army,	Tah-ga-sug-hah,	The man chaser,	his ⋈ mark.
John Dunlap,	Nah-he-tah-pi,		his ⋈ mark.
J. T. Irving, jr.	Wah-la-gah,	The little old man,	his ⋈ mark.
Clement Lepert,			
Interpreter for the Kanzas,			
his			
Louis ⋈ La Chapelle,			
mark			
Witness for all the Pawnees.			
	Ioways.		
A. Richardson,	Ma-has-kah,	White cloud,	his ⋈ mark.
United States artillery,	Tar-ro-haw,	Keeper of deer,	his ⋈ mark.
John Dunlap,	Wy-no-gas-koma,	He that fears nothing,	his ⋈ mark.
J. T. Irving, jr.	Was-co-mong,	Fast walker,	his ⋈ mark.
C. Lepert,			
Interpreter for Kanzas,	*Sacs.*		
his			
Louis ⋈ La Chapelle,	Amoy,	He that eats,	his ⋈ mark.
mark	Watchee,		his ⋈ mark.
Interpreter for all the Pawnees.	Ashe-se-qua,	The bottle,	his ⋈ mark.
Shawnee Agency, November 21, 1833.	Ale-ke-wha,	Terrible man,	his ⋈ mark.
	Piankeshaws.		
H. L. Ellsworth,	Man-son-shaws,	Tim,	his ⋈ mark.
Commissioner,	Tah-harsh,	The axe,	his ⋈ mark.

In presence of	Indian names.	Translation.	Signatures.
John Dougherty, Indian agent,	Nah-hah-com-wah,		his ⋈ mark.
R. Cummings, Indian agent,			
P. S. Chouteau, Indian agent,			
F. W. Miller, Indian subagent,			
his Baptiste ⋈ Peoria, mark Interpreter,			
his Louis ⋈ La Chapelle, mark			
John Dunlap.			
	Osages.		
M. Stokes,	Clair-mont,		his ⋈ mark.
Commissioner,	Talfia,		his ⋈ mark.
H. L. Ellsworth,	Ka-he-ga-ton-ga,		his ⋈ mark.
Commissioner,	Kah-he-ga-whine-cho,		his ⋈ mark.
E. A. Ellsworth,	Ton-war-ra,		his ⋈ mark.
Secretary pro tem.	Shon-ta-rob-la,		his ⋈ mark.
A. P. Chouteau,	Chu-ta-ga-was-he,		his ⋈ mark.
P. S. Chouteau,	Miam-ga-hu,		his ⋈ mark.
John Dougherty, agent,	Ah-ke-tak hing-ah,		his ⋈ mark.
Thomas Anthony,	Me-dah-hing-ah,		his ⋈ mark.
Edward L. Chouteau,	Wah-konse,		his ⋈ mark.
J. Van Horn,	Chig-hurrave,		his ⋈ mark.
Lieutenant United States army,	Mah-he-spray,		his ⋈ mark.
Samuel B. Wright,	We-her-rer,		his ⋈ mark.
his	O-was-sob-ba,		his ⋈ mark.
Baptiste ⋈ Peoria,	Washing-wah-ah,		his ⋈ mark.
mark	Wah-gos-se-tah,		his ⋈ mark.
Interpreter to Osages,	Che-cong-hah,		his ⋈ mark.

In presence of	Indian names.	Translation.	Signatures.
James Lee.	O-kis-to-wo-so,		his ⋈ mark.
	Um-ba-sha,		his ⋈ mark.
	Eowas-sha-shay,		his ⋈ mark.
	Stephen Van-ran-sa-lear,		his ⋈ mark.
	White-hair,		his ⋈ mark.
	Tow-wong-gusse,		his ⋈ mark.
	Kaj-he-ga-shin-ga,		his ⋈ mark.
	Ruis-stche,		his ⋈ mark.
	To-ko-shah,		his ⋈ mark.
	Har-re-aw-he,		his ⋈ mark.
	Wats-se-tin-go,		his ⋈ mark.
	Bon-kah-shin-ga,		his ⋈ mark.

B.

HOPEFIELD, *January* 15, 1834.

To the hon. Board of the U. S. Indian Commissioners, Fort Gibson:

RESPECTED AND HON. SIRS: At the suggestion of one of your body, I have endeavored, as follows, to give a brief report of the settlement at Hopefield, including the origin, the discouraging circumstances attending the enterprise, the results with regard to the settlement itself, and the apparent influence upon the other portions of the Osage nation.

Origin.

Monme Persha, an Osage chief, with a few other Indian families, and a Frenchman with an Indian family, who acted as our interpreter, having expressed a wish to adopt our habits, in procuring their subsistence, therefore, it was *Resolved*, on the 22d September, 1823, by the members of Union Mission, "that the Rev. E. Chapman, deceased, and myself, be appointed to go to a suitable place for cultivation, invite the Indians to settle around us, that by our influence and example, as well as by direct assistance with our own hands, we might gradually lead many to give up the chase, and obtain their support by the pursuit of the agriculturist.

2dly. "*Resolved*, That, in aiding the Indians in this settlement, we avoid additional expense to the missionary board.

3dly. "That we loan to those who form the settlement, ploughs and other farming utensils, as they may need."

See American Missionary Register, vol. 5, page 76.

In pursuance of these resolutions, Mr. Chapman and myself, early in the spring of 1824, removed our families to our newly chosen place of residence, four miles north of Union Mission, which we called Hopefield. Eight Indian families, including our interpreter, settled near us, and commenced felling the trees and clearing the land. The men, who heretofore had considered it disgraceful to work, now unanimously set about it with cheerfulness and perseverance. To encourage the settlers at this time in their new mode of labor, suitable tools for their use were granted them, and several members of Union Mission, with the oldest Indian boys of the school, labored for them one week, in ploughing and fencing their fields. This assistance was seasonable; and those who were so kind as to aid gratuitously the poor Indians, had much satisfaction in seeing them split rails, and perform the labors of farmers with so much industry and cheerfulness. We were enabled, in the first season, to clear, fence, and cultivate about twenty-five acres. The most of this was planted with corn; but they also planted and raised a good supply of pumpkins, melons, beans, &c. The labors of these eight families were so abundantly rewarded, that they had more vegetables than they needed for their own consumption. Several times they loaded a canoe with melons and other productions of their fields, and took them fifty miles down the river to market, and sold them for cash. To see the Osage for the first time count his money, the fruits of his industry, afforded no small satisfaction. The good account these first settlers gave of their new mode of life, induced several other families the following spring, 1825, to join them.

In January, 1825, the Rev. E. Chapman died. The poor Osages lost a kind friend and benefactor.

On the 3d day of February following their agent, Governor McNair, visited the settlement. The settlers presented themselves before him, and declared that they were white men, *i. e.* that they had set out of their own minds to adopt the ways of the whites. They said that they had been derided by their people, but had shut their ears against all their hard speeches. The Governor expressed his entire approbation of their proceedings; told them such are the men the President of the United States loves; that it would have been pleasing to find all the nation walking in their steps; that they would have to struggle with difficulties a year or two, but would soon find themselves in a comfortable situation; that he would assist them a little at this time, by giving each of them a hoe and an axe, and make known their case to the Government, hoping that they would receive further aid.

He also said to them, "you will not probably be removed; but should this take place, I will engage to have another settlement brought into the same forwardness, that you may not lose the avails of your industry."

The agent expressed the highest satisfaction in witnessing the good order, peaceableness, and industry of these Osages, and the improvements which they had made, and was decidedly of opinion that to encourage them to settle, to become herdsmen, and to cultivate the ground, is the most sure method of reclaiming this nation from their roving life and savage customs.

The above is substantially the speech of their agent to them at that time, as I find it recorded among the transactions of that day, which, to the settlers, was a most interesting one.

From the statistical report of the settlement at this time, it may be seen that there were fifteen families, ninety-one inhabitants, of whom forty-one were children, of which seven were at school. The whole number of acres of land enclosed was seventy-three, the greater portion of which was well cultivated.

In the spring of 1826, the frequent alarms of war with their heathen neighbors, very much discouraged them; and in consequence of a flood this spring, they were late in getting their fields planted; yet the season being favorable, they raised more produce than in any former season. They were not, however, permitted to enjoy the avails of their labor. About the time they were gathering their crops of corn, &c., an unusual flood swept all away. Their houses, fences, and all the avails of their industry, during their settled life, was at once and entirely swept away by the resistless current. A most disastrous and discouraging event. For more particulars respecting this flood, see my communication to Mr. Ellsworth, about a year ago last December. For other details, also in relation to the settlement, I would refer you to this communication. I would here also state, that generally the settlers have raised a good supply of corn, beans, pumpkins, &c. For the two years last past, they have all raised, more or less, potatoes.

I would here mention some of the discouragements with which the settlers have had to contend, and against which they have continued their operations from year to year.

The first, and not the least to the poor settlers, was the derision, menaces, and scorn, of their former companions. They were insultingly

called field-makers and missionaries. By referring to their talk to Governor McNair, it will be seen that they were not disposed to abandon their enterprise, though made the butt of menaces and ridicule. This source of discouragement does not now exist.

2dly. Alarms of war were very frequent and distressing to them. Many times have they fled from their fields, when in the midst of their labors, and have had to seek protection in the large town on the Verdigris. Many have been the sleepless nights of the poor settlers. None have suffered more, through fear of their enemies, than the poor Osages. This evil is now also happily removed.

3dly. Those who came forward to settle were so exceedingly poor, being generally from the poorer class, that they could do nothing without assistance. Some became settlers more for the sake of the aid they received, than for any real desire they had to change their mode of life. Little could be done, however, towards supplying them with farming utensils, tame animals, &c. as no appropriations were made for this purpose, either by the Government, or the benevolent institutions of our country. They have however received some help from the Government, but more from individual benefactors.

4thly. Another source of discouragement to them as farmers, and which has operated almost constantly in deterring them from making improvements, is the fact that they have not been permanently located, but have considered themselves liale to be removed at any time. This has greatly hindered the improvements which would otherwise have been made. The truth of this may be argued from the fact that when they began their labors both at their former and their present place of residence, they worked industriously and cheerfully, until they were told they would be removed. From this we may justly infer, that when they shall have become permanently located, they will labor steadily and cheerfully, and of course be happier, and have a more abundant supply of the necessaries of life. We may also infer, from the above, that the sooner the Osages are removed and permanently located, the better it will be for them.

5thly. Their not having realized the promises of the officers of Government in consideration of the relinquishment of their improvements at Old Hopefield, has also tended to discourage them in their labors at their present residence; they have frequently said, we must leave this place also; and why should we make good houses and fields to abandon to the Cherokees? They will not pay us for our improvements; all our labors will be for naught, as at the forsaken town below. This last sentiment has tended greatly to check their industry, and induced them to do nothing more for two years past, than appeared absolutely necessary for the support of their families.

Notwithstanding all these discouragements, which have in their turn attended the settlement in adopting the habits of the whites for the maintenance of their families, yet they are now abundantly better supplied with provisions than the other towns of the Osage nation.

Every family in the settlement has corn, hogs, and fowls; and most of the families have more or less cattle. They can live at home through the winter, having enough upon which to subsist; while the people of Clamore's band are in a wretched, starving condition.

They are now actually wandering about from one place to another, begging, in order to save themselves from the horrors of starvation. This is

the lamentable and pitiable condition of the greater portion of the families of Clamore's land. Humanity would shudder at a detailed statement of their suffering condition.

Aside from the improved condition of the Hopefield Indians, when compared with the other towns in relation to their present supplies of provisions, &c., they are considerably in advance of the other towns by reason of their knowledge of the use of agricultural implements, and their habits of industry, which they have formed. As an example, the settlement at Hopefield has been beneficial to the other towns. A complete change of sentiment, as to the practicability of Osages becoming farmers, and living by the cultivation of the soil, has taken place; they would hardly have believed to this day that the Osages could live by farming, had not the experiment been made. But now they say if the Hopefield Indians had been able to live better than we, by changing their mode of life, surely it would be wise in us to do so too. Accordingly, numbers of Clamore's people have been desirous, these two years past, to obtain assistance, such as the settlers at Hopefield have received, that they might procure their support in the same way. This, therefore, proves that the influence the settlement has had on the nation generally, has been beneficial.

If, under such inauspicious circumstances as attended the origin of the Hopefield settlement, and under such various discouragements as from time to time they realized, they have nevertheless persevered in their new mode of life, and consequently have risen above the body of the nation who have depended on the chase, what may we not expect of the tribe generally, if, under more favorable auspices, and less discouraging circumstances, they adopt the ways of the whites, being so generously aided and encouraged by our benevolent Government? May we not hope to see them speedily emerge from their state of poverty, degradation, and ignorance, to the condition of an enlightened, exalted, and happy people.

I am, gentlemen,

Your devoted and obedient servant,

WM. C. REQUA.

B b.

When the New York Indians first contemplated removing to Green Bay, the policy of the Government for the removal of the Indians from the east to the west of the Mississippi, as now established, was not matured and settled. Even as late as 1826, the Hon. James Barbour, then Secretary of War, contemplated reserving, as the exclusive abode of the Indians, not only the present Indian country west of the Mississippi, but also that situated between the Mississippi and Lakes Michigan and Huron. The Indian title has now been extinguished to all the lands west of Lake Michigan to the Mississippi, south of the Ouisconsin, Fox river, and Green Bay, and also south of Grand river and Saganaw bay, in the Peninsula. The Chippewas, Ottowas, Pottawatamies, the Sacs and Foxes, and the Winnebagoes, who once owned the land, have been provided with a country west of the Mississippi, and will no doubt remove before long. The Winnebagoes, by the treaty of 1832, have been placed north of the Ouis-

consin; but all who know their condition, and the situation of the country, agree in saying they cannot and will not live there; and they ought either to remove to their lands on the Upper Ioway, or exchange them for lands on the Missouri. If this takes place, then there will be no Indians left in that quarter between the Mississippi and Lake Michigan, below north latitude 46°, except the small band of Menomonies consisting of 2,143 souls, and the few New York Indians that have removed to Green Bay.

It is well known that Green Bay, Fox, and Ouisconsin rivers form one of the great natural channels of communication between the lakes and Upper Mississippi; and from the character and enterprise of our people, there is no doubt that the whole southern bank of this thoroughfare will soon be settled by our citizens. With these facts before us, what rational probability is there, even should the New York Indians remove to Green Bay, that they would be permitted long to enjoy the undisturbed possession of this country? All past experience gives us no reason to hope that they would continue there any length of time; and that even were they settled there now, in a short time, the force of circumstances, which could not and would not be controlled, would render their removal west of the Mississippi indispensable. Why then not remove them at once to this only land of rest and hope for the Indian? It would certainly be more economical to remove them here than to Green Bay; for here the Government have a great quantity of good land set apart for the Indians, which will never be sold to a white man, and of which they might give them, as an inducement to remove, any quantity that was necessary, even 2,000,000 or 3,000,000 acres, for their 500,000 at Green Bay. The latter would sell for more than sufficient to pay all the expenses of their removal and settlement in this Indian territory; and in this case the whole expense of their removal to Green Bay would be saved by the Government.

C.

When the Government first contemplated the removal of the Indians from the east to the west of the Mississippi, they took the necessary measures to procure the peaceable possession of a sufficient country for this purpose, by extinguishing the Indian titles.

The Quapaws ceded to the United States all the country between the Red, Canadian, and Arkansas rivers. The Osages ceded all the lands between the Arkansas and Canadian rivers to the highlands which divide the waters of the Maria de Aygues, Neosho, and Arkansas, from the Kanzas river. The Kanzas ceded all the lands north of the Osages on the waters of the Kanzas river, and to the Great Namaha on the southwest side of the Missouri; and also all their title to the lands north of the Missouri. The Pawnees, Ottoes, and Missourias have ceded the lands north of the Kanzas country, between the Great and Little Namaha, and from the waters of the Kanzas river to the south side of the Platte, and from the Ottoes and Missouri reservation west to its source. The Sacs and Foxes, and several bands of the Sioux, the Omahas, Ioways, Ottoes, and Missourias, have ceded to the United States the lands north of the Missouri river, extending south of a line drawn from the source of the first creek of the Calumet river, or big Sioux, to the upper forks of the Des Moins; and between the Missouri river,

the west boundary line of the State of Missouri, and the country of the Ioways, Sacs, and Foxes. The Sioux, Sacs, and Foxes have also ceded a tract of country forty miles wide, from the Mississippi to the Des Moins river, and extending twenty north and twenty south of the Upper Ioway river. Within these limits are contained all the purchases of the United States, in order to provide for the removal of the Indians from the east to the west of the Mississippi.

In order to communicate such information as may be deemed important, a description of the boundary lines between the respective tribes will now be given, accompanied with a few general remarks.

Of the Choctaws.

The Choctaw country is bounded on the south by Red river, on the west by the Republic of Mexico, on the north by the Canadian and Arkansas rivers, and on the east by the Territory of Arkansas, and is estimated at 23,433 square miles, or about 15,000,000 acres. It is represented by all who have been through it, as a very fine country. The Choctaws have much more land than they need, and their settlements do not extend over one-fourth part of it; but they are unwilling to dispose of it to the Government, or to any other tribe. They are, it is said, willing to receive other small tribes, and grant them all the privileges of Choctaws. The Chickasaws have lately examined this country, and were so much pleased that they wished to purchase a part of it; but the Choctaws were unwilling to sell any to them, and the Chickasaws were unwilling, as yet, to give up their national character, and unite and amalgamate with the Choctaws. It has been stated to the commissioners, that, if a military post is established above the Fausse Washita, and a trading house, about 600 Chickasaws will probably remove here immediately.

Of the Muscogee, or Creek country.

This begins at the mouth of the north fork of the Canadian river, and runs thence north four miles; thence north eighteen degrees eighteen minutes east, thirty three and a third miles, to a stone one mile from the Arkansas; thence north 53′ 2″, to the south bank of the river, opposite the east bank of the Neosho; thence up the Arkansas and Verdigris rivers, where the old territorial line crosses the same; thence, with the old territorial line, north to a point twenty-five miles from the Arkansas, on said line; thence due west, to the west boundary of the United States, in north longitude 23° from Washington, (which above boundary is the division line between the Creeks and Cherokees;) thence south, along the boundary line between the United States and Mexico, to the Canadian river; and thence, down the Canadian river, to the place of beginning; and it is estimated to contain 20,532 square miles, or 13,140,000 acres, within the above boundaries. A separate residence is provided for the Seminole part of the Creek nation, between the forks of the Canadian, and extending west to the forks of Little river, if the same does not exceed 25 miles from its mouth. This country is provided for the whole Creek nation; and that part of it called the McIntosh party have very much improved their condition by their removal. They have comfortable houses, good plantations, and raise a considerable surplus produce, and are rapidly improving their

condition. Their country as a whole is a very good one, and the whole nation, should they remove, soon will find that, with a very little attention to business, their situation and condition will be better than it ever has been in the old country. The Seminoles have examined their lands, and are well satisfied with them.

Of the Cherokee country.

This begins on the north bank of the Arkansas river, nearly opposite to Fort Smith, where the western line of the Territory of Arkansas crosses the same, and runs thence with the territorial line, north, to the Cowskin creek, now called Seneca river; thence west, along the lands of the Senecas, to the Neosho river; thence up the said river to the south line of the Osage county; thence with said line, west, to the western boundary of the United States; thence along the territory of the Republic of Mexico, south, to the above lands of the Creek nation; thence along the boundary line of the Creek country, as above described, to the mouth of the north fork of the Canadian river; and thence, down the Canadian and Arkansas rivers, to the place of beginning. The above limits, in addition to the 7,000,000 mentioned in their treaty, also include the "outlet" provided for in the same; and the whole is estimated to contain about 13,000,000 acres. It contains a great proportion of excellent land, and is very advantageously situated. The treaty of 1828 declares it is intended for the home of the whole Cherokee nation, and is abundantly sufficient for their accommodation and support.

Of the united bands of Senecas and Shawnees.

These bands are situated directly north of the Cherokees, and between the Neosho river and western line of the State of Missouri; their country extends north to such a line as will include within its limits 100,000 acres. They have but a small quantity of prairie land; their country was selected by themselves, and contains a sufficiency of first rate land on the water-courses for agricultural purposes, to accommodate them.

Of the Quapaws.

This tribe, by their treaty of 1824, sold all their lands to the United States, and were "to be concentrated and confined to a district of country inhabited by the Caddoes." This was not done, and they finally returned to the Arkansas. The commissioners, in a treaty with them, lately assigned them 150 sections or 96,000 acres north of the Senecas. They will be located on the Neosho, east of the Osages.

Of the Osages.

The Osage country begins on the Neosho river, at a point twenty-five miles west of the State of Missouri, and runs from thence north fifty miles; thence west into the territory of the Republic of Mexico; thence south along the same to the Cherokee country; and thence east with the same, to the place of beginning, containing 11,820 square miles, or 7,564,800 acres. The Osages have some very good land on the Neosho, La Bette, Verdigris, and other rivers. They have never yet made any progress in

agriculture, except a small settlement of them collected by Mr. W. C. Requa; some of them, however, now express a desire to settle down and follow agricultural pursuits; and unless they do so, they will soon be destroyed. The Government certainly are under great obligations to provide them with farmers, mechanics, and agricultural implements, and domestic animals; for it is owing to their extensive cessions of lands to the United States, that they have been able to provide a country for the Cherokees, Creeks, and several other tribes.

Of the Weas, Piankeshaws, Peorias, and Kaskaskias.

The lands assigned for these tribes commence on the western line of the State of Missouri, forty-three miles south of the Kanzas river, and run thence north fifteen miles; thence west thirty miles; thence south thirteen miles; thence east to the place of beginning, of which the Weas and Piankeshaws have 256 sections, and the Peorias and Kaskaskias 150 sections.

Of the Ottowas of Ohio.

This tribe have their lands assigned them west of the above tract of the Weas and Kaskaskias, and run along the Shawnees lands west several miles; thence south eight miles; thence east seven miles; thence to the place of beginning, containing 34,000 acres.

Of the Shawnees.

The lands of this tribe commence on the Missouri line at the northeast corner of the lands of the Weas, &c., and run thence west one hundred miles; thence north to the Kanzas reservation; thence east along the same forty miles to the southeast corner of it; thence north to the Kanzas river, six miles; thence down the Kanzas river, to the place of beginning, estimated to contain about 10,000 square miles, or 6,400,000 acres.

Of the Delawares.

The Delaware country commences at the junction of the Kanzas and Missouri rivers, and runs up the Kanzas river to the Kanzas reservation, being sixty miles west of the western line of the State of Missouri; thence north thirty-four miles; thence south 71′ 8″ east, and about forty-six miles to the northwest corner of the garrison reservation at Leavenworth; thence along the west and south lines of the same, to the place of beginning; also an "outlet" of ten miles wide, adjoining the north line of the Kanzas reservation. The whole containing about 3,450 square miles, or 2,208,000 acres.

Of the Kickapoos.

The Kickapoo lands commence on the Delaware line, about one and a half miles from the northwest corner of the garrison reserves, at Fort Leavenworth, where the line crosses the east branch of Salt creek, and run thence down the same to the Missouri river; thence up said river to such a point on the same, thirty miles on a straight line from the mouth of said

Salt creek; thence west to such a point, twenty miles north of the Delaware line, on a line drawn from it to the Delaware country, as will include 12,000 square miles, or 768,000 acres.

Reservation of half breeds of the Ioways, Ottoes, and Missourias.

This reservation is situated between the Great and Little Kanaba rivers, and extends ten miles west up the said rivers from the Missouri, and is estimated to contain 200 square miles, or about 128,000 acres.

Of the Ottoes and Missourias.

These tribes are situated west of the Missouri river between the Little Namaha and Platte rivers, and their country extends west about twenty-five miles from the juncture of the Elk-horn with the Platte, and is supposed to contain about 2,400 square miles, or 1,536,000 acres.

Of the Omahas.

This tribe is situated north of the Platte, and their country extends up the Missouri river to the Running Water river. They have an extensive country, and it is supposed that a part of it could be obtained if wanted by the United States for the accommodation of other tribes.

Of the Poncas.

This band is situated on the west of the Missouri river, and between Running Water and Poncas rivers.

Of the Pawnees of the Platte.

These are divided into bands, and are situated west of the Omahas and Poncas, on the Platte and Elk-horn. The boundaries between these tribes last mentioned, north of the Platte, are not very definitely settled or known; but together they claim a large tract of country, and if estimated only to the 23° of west longitude from Washington, it contains 25,000 square miles, or 16,000,000 acres.

Of the united nation of Chippewas, Ottowas, and Pottawatamies.

These tribes include all the Indians of their name within the peninsula of Michigan, and south of Green Bay and Fox river, between Lake Michigan and the Mississippi, and to these is assigned by the treaty of Chicago, of September, 1833, 5,000,000 acres southeast of the Missouri river, beginning at the mouth of the Boyer river, and running down the Missouri to the mouth of the Nodaway; thence east, to the western line of the State of Missouri; thence north, along the State of Missouri, and the lands of the Ioways, Sacs, and Foxes, or the highlands dividing the waters of the Des Moins and Missouri rivers, to such a point as a line drawn from it to the mouth of the Boyer will include the 5,000,000 acres. There are about 3,000 Ottawas and Chippewas in the northern part of the Peninsula, above Saganaw bay and Grand river, that have not yet sold

their lands, and agreed to remove. It is probable, however, all of them will remove, when they see how much better the country is provided for them, than that they now possess.

Of the Ioways, Sacs, and Foxes.

These tribes own all the lands, not ceded by their former treaties, north of the State of Missouri, to a line running from the Mississippi, twenty miles below the mouth of the Upper Ioway, to the Des Moins. The boundaries between these tribes are not settled, but together they own at least 9,000,000 acres.

Of the Winnebagoes.

The language, customs, and manners of this tribe are very similar to the Osages, Kanzas, Ottoes, and Omahas; and no doubt is a kindred tribe with them. They now reside north of the Ouisconsin, but, by their treaty of 1832, they have lands assigned them on the Upper Ioway, twenty miles on each side of it, extending from the Mississippi to the Red Cedar of the Des Moins. They have not yet agreed to remove there, on account of the Sioux, their old enemies. It is probable they could be induced, without much difficulty, to remove west of the Missouri, adjoining their kindred bands, the Kanzas or Omahas.

It is apprehended that were they removed to the Ioway, that neither they, nor the Sacs, Foxes, and Ioways, will be permitted very long to enjoy undisturbed the possession of their country; for the lands ceded by the Sacs and Foxes to the United States, west of the Mississippi, are settling very rapidly.

D.

Extract from the report of Lieut. S. Brown, M. Corps of Engineers, submitted to Congress in 1833.

"The point of junction of the Canadian and Arkansas may, I think, with propriety, be called the head of steamboat navigation on the Arkansas. Between that point and Fort Gibson, the chances of getting up and down, with and without detention, in a boat of any considerable draught of water, are too precarious to be at all relied upon. No steamboat captain, in entering the Arkansas from the Mississippi, can feel any certainty of reaching the garrison; though the water be ever so high below, the flood may be out of the Illinois, the Canadian, or the Porteau; in which case, he can of course get no higher than the confluence of these streams with the main current; or, if the rise proceeds from the Grand river, the Verdigris, or the Arkansas, it will in the greater number of cases have run off before a boat can traverse the shore below.

"From Cantonment Gibson to the mouth of the Canadian, I have already spoken. The two principal obstructions there, are shallow rapids, from seventeen to twenty miles below the cantonment, called the 'Devil's Race Ground' and a cascade, called Webber's falls, about forty miles below

the garrison. At this place there are flat rocky ridges, extending almost across the stream, with rapids for two or three miles, and a depth of channel, as believed, not exceeding, at low water, from eight to twelve inches.

"Neither of these places, in the opinion of those who best understand them, and who are most interested in their improvement, will admit of any ameliorations. From Fort Smith to Little Rock is better."

E.

FORT LEAVENWORTH, *August* 14, 1833.

SIR: Will you permit me to make a few inquiries relative to the trade and intercourse between the citizens of the United States and the tribes of Indians on the Upper Missouri?

I am anxious to ascertain, as far as practicable, the price paid by the Indians for their goods, and the manner in which they obtain them. I should be glad to ascertain how far American citizens are concerned in trapping in the Indian country, and the collision, if any, with the Indians in consequence of it. Your residence among the Indians, together with your accurate observation of men, must enable you to afford much information.

I should be glad to hear from you any suggestions calculated to meliorate the condition of the aborigines.

Yours respectfully,
H. L. ELLSWORTH.

MR. WM. P. MAY, *Shawnee Agency.*

SHAWNEE SUBAGENCY, *August* 25, 1833.

SIR: In answer to yours of the 14th ultimo, requesting me to give you what information I may possess, touching, in the first place, the source from whence the Indians of the Upper Missouri are furnished with merchandise, secondly, the rates at which they are sold, and lastly, as to the collision, if there be any, between the whites and Indians, caused by the former trespassing on the hunting grounds of the latter, I have to say that I was employed as an agent in 1822, by the Missouri Fur Company for the Mandan post; during which year the trade was established that far up the Missouri. In March following, Mr. McKenzie (at present the acting partner of the American Fur Company for the Upper Missouri) crossed from the river St. Peter's with a small assortment of merchandise, in the name and under the license of the Columbia Fur Company. A short time previous to the arrival of Mr. McKenzie, a trader in the employment of the French company arrived from below me on the Missouri. In the summer of 1823, owing to the defeat of Messrs. Immell and Jones, the Missouri Fur Company was compelled to curtail their business, (Immell and Jones I shall have occasion to speak of hereafter,) in consequence of which I was ordered to abandon my post. I remained out of the country from that time until 1827, in the course of which year, the Columbia and French Fur Companies consolidated, making a part of the American Fur Company, and since which time it has been known only as such. For the last six years they have been furnished with goods for the trade, by John Jacob Astor, of New York, and his

son, William B. Astor, the President of the company. I have been as concise as possible in bringing the history of the Upper Missouri trade down from the time I first became acquainted with it, to the present date.

I shall next proceed to consider your second proposition relative to the prices of merchandise sold the Indians. I herewith furnish you a list of the principal articles.

Blankets—3 pt. red blankets	5 robes*
3 do green do	5 do
3 do white do	4 do
Cloths—Scarlet, com. per yard	$8 00
Green, do do	8 00
Blue stroud at 80 cents	3 robes
Powder and balls, 40 charges, the balls weighing 32 to a pound	1 do
Tobacco, 1 lb. at 5 cents	1 do
Knives, 1 to 2	1 do
Chiefs' coats, common savd. list cloth, at $7	10 do
Fusils do at $8	10 do
Small blue and white pound beads, at 35 cents per pound	3 do

In the above you see a list of what are considered the principal articles in trade, but the minor articles sell much dearer, agreeably to their cost value.

I shall next proceed to give you a short account of the trapping business since my acquaintance in that country. In 1821, the Missouri Fur Company fitted out a party of trappers from Fort Lisa, (near Council Bluffs,) for the Crow country, under charge of Messrs. Immell and Jones, which party prosecuted the business with various success, for the space of two years, at the end of which time the two principals were killed, together with five of their men, and the loss of all their property, value about twelve thousand dollars.

In the spring of 1822, there was a large party equipped in St. Louis by General Ashley, and left St. Louis under command of Andrew Henry; they arrived the summer following in the neighborhood of the Yellow Stone, where they were robbed of all their horses.

Nothing of note occurred until the next spring, when they lost several men, killed by the Blackfeet Indians; the same spring General Ashley left St. Louis with a second party of men, to reinforce Mr. Henry; and on his arrival at the Ariccaras villages in June, he was defeated with the loss of sixteen men, and his boats compelled to return.

Some time during the year 1823 an order came on, forbidding any further hunting on Indian lands.

The spring following, General Ashley's party left the waters of the Missouri, and established themselves on the waters of the Columbia and Green rivers, where they have continued to trade since. (General Ashley, however, withdrew entirely from the concern in 1827.)

The most extensive hunting party in the country at present is under the control of the American Fur Company. This company of hunters has carried on its operations since 1829, almost exclusively on the waters of the Missouri, and in the face of the Indian agent for the Upper Missouri Indians. There are at present not less than three hundred trappers on the Indian lands, and I may here state that there have not been less than two hundred hunters killed within the last eleven years, during which time I do not know of but three individuals who have been killed at the regular trading houses.

* Worth from $3 to $4 each robe.

I have been thus prolix, believing it will show in a more satisfactory light to you, the injustice of suffering white hunters to remain longer on the Indian lands, than it will be practicable to remove them.

Very respectfully, your friend,

WILLIAM P. MAY.

Hon. H. L. ELLSWORTH.

F.

FORT LEAVENWORTH, *November*, 1833.

DEAR SIR: I have the honor to acknowledge the receipt of yours of the 14th inst., in which you ask for information in relation to the prices of goods sold to the Indians of my agency, as well as the cost of these goods at St. Louis. I beg leave herewith to enclose to you a schedule, showing the St. Louis prices, and the prices charged the Indians when sold to them; the prices have been furnished by merchants, who have an opportunity of knowing them, and do not differ very materially from my own experience; the prices charged to the Indians are given to me by the Indians, who are now sitting beside me, which I have no doubt is correct. Be assured that it will at all times afford me great pleasure to furnish you with any information in relation to Indian affairs, that is in my power.

With high respect, &c.

ANDREW S. HUGHES.

To H. L. ELLSWORTH, *U. S. Commissioner.*

SCHEDULE of Indian goods, as purchased and sold to the Indians of the Ioway tribe.

Merchandise.	Prices at St. Louis.	Prices charged to Indians.
3 point white blankets -	$7 50	$12 per pair
3 point red do. - -	8 50	14 do.
Powder, per keg - -	6 50	1 per tin case
Lead, 6 small bars - -	25	1 for six bars
Tobacco, per pound - -	7	1 per pound
Indian calico - -	15 per yard	1 per yard
Knives - - -	25 to 37 each	50 cts. to $1 each
Strouding - - -	1 to 1 60 per yd.	$6 per $1\frac{3}{4}$ yards
Flints - - -	3 per thousand	1 for twenty
Shot guns - - -	7 to 8 dollars	30 deer skins (large bucks) each
Rifles - - -	16 are sold for 44 large deer skins, which are worth $1 each	
Squaw axes - - -	$37\frac{1}{2}$ cents	$2
Rab spear - - -	30 cents	1 each
Salt - - -	$62\frac{1}{2}$ cts. per bushel	1 a double handfull
2 gallon tin kettle - -	75 cents	1 50 each
5 and 6 gallon do. - -	25 cents per pound	12 each

All other articles which Indians purchase are sold at like high prices.

Large beaver skins are generally received in exchange for a blanket, or given for other goods at similar rates. Large beavers will average $2\frac{1}{2}$ lbs. each, and are worth in market from four to five dollars per pound. All other furs and peltry are received at similar rates, in exchange for goods; three dollars is allowed for large otter skins, and twenty-five cents each for muskrats and coons.

Very respectfully, &c.

ANDREW S. HUGHES.

H. L. ELLSWORTH, Esq., *U. S. Commissioner.*

G.

FORT LEAVENWORTH,
November 6, 1833.

SIR: I have the honor to acknowledge the receipt of yours of the 4th instant, and do tender you my answers to your inquiries relative to the Indians of the Northwest. My knowledge of the affairs of the Northwestern Indians is principally confined to those of my subagency, (the Sioux, Cheyenne, and Poncau nations.) Your first inquiry seeks information in relation to the prices of goods sold to the Northern Indians and trappers, by way of answer to which, I herewith enolose to you a schedule of some of the leading articles sold to the trappers and voyagers, and the prices are annexed thereto. There being no regular government in the Indian trade, it will be impossible to state precisely the per cent. that they are made to pay; it is, however, much greater than that required of the white man. The prices charged them are made to depend on their necessities for the articles which they are compelled to have; and then it is that they are forced to give what is demanded of them. In your second interrogatory, you ask me if "whiskey or other ardent spirits is introduced into the Indian country, and by whom, and what is the price of the same." I do not know of the introduction of whiskey or other ardent spirits into the Indian country, since the passage of the act of Congress on that subject, of the 9th July, 1832; previous to the passage of this law, there were large quantities of alcohol and whiskey introduced by traders, under licensed privileges; the price of whiskey, as sold to trappers, is stated on the schedule furnished you. Alcohol, when reduced to proof, was worth, when sold to the Indians, (as I have been informed by them,) from thirty-two to sixty-four dollars per gallon.

By your third inquiry, I am asked at what prices do the traders take peltries, and what is the price at St. Louis? In answer to this, I only can say, as already stated, that there are no regular prices. Exchange is made between the Indian and trader: the Indian pays for the article he wants such prices as are asked him, and parts with his furs and peltries at such prices as are affixed, having but little agency in the trade. In this commerce, the prices are all fixed by the traders. At St. Louis, beaver is worth from four to five dollars per pound; buffalo robes from three dollars to three dollars and fifty cents each.

In relation to the information sought by the fourth interrogatory, I can only respond, that the distance from my post (the Sioux subagency) to

the point at which the whiskey is said to be manufactured, is from 400 to 500 miles, which precludes me from any personal knowledge of the fact; but common report says that the agents of the American Fur Company are manufacturing whiskey in the Indian country, near the mouth of the Yellow Stone river, which reports I do not doubt. The Mandans, Ariccaras, and Gros Ventres, raise quantities of corn on the Missouri, above my post, and from whom corn is frequently purchased by the traders. Steamboats can ascend the Missouri with ease. Freight per lb. from St. Louis to my subagency, distance twelve hundred miles, was had this year at five cents, which is much lower than heretofore. From St. Louis to the mouth of the Yellow Stone, is estimated at nineteen hundred miles, and freight would be proportionably higher.

I have the honor to be,
Most respectfully, sir,
Your obedient, humble, servant,
J. L. BEAN,
U. S. Sub-Indian Agent.

H. L. Ellsworth, Esq., *U. S. Commissioner.*

SCHEDULE of some of the leading articles of merchandise used in the Indian trade, exhibiting their prices, as purchased at St. Louis, and sold on the Upper Missouri.

Merchandise.	Prices at St. Louis.	Upper Missouri prices.
1 yard scarlet stroud - -	$1 80	$8 00
1 yard blue do. - -	1 65	6 00
1 3 point Mackinac blanket -	4 00	12 00
1 $2\frac{1}{2}$ do. do. - -	3 00	10 00
1 yard American calico - -	16	1 00
1 yard English do. - -	22	1 50
London guns (shot) - -	7 50	25 00
1 lb. powder - - -	30	1 50
1 lb. lead - - -	6	75
1 lb. tobacco - - -	7	1 00
1 wampum - - -	3 50	10 00
1 looking-glass - - -	6	75
1 lb. sheet iron kettles - -	25	1 25
1 lb. blue beads - - -	40 to 50	6 75
1 lb. white beads - - -	40 to 50	6 75
1 hoe - - - -	40	2 50
1 axe - - - -	75	2 50
1 fire steel - - -	4	25
1 moccasin awl - - -	$1\frac{1}{2}$	25
1 lb. vermillion - - -	1 25	7 50
1 knife - - - -	80	1 50
1 do. - - - -	23	1 00
1 comb - - - -	8	50
1 gallon whiskey - -	*25*	*16 00*

Extract of the report of Major Armstrong, agent for the Choctaws west, in 1833.

"With a view of illustrating the advantage of this mode of paying the annuity, viz. in goods," I have the honor of referring you to my report some days since, enclosing a bill of purchase from New Orleans, for the sum of $619 in domestics, for 537 Indians. This will give to each from 8 to 12 yards, according to the original cost of the domestic, which, if paid in money, would give about $1 15, and if paid out by them in a store in the interior. would purchase for them from 2.72 to 3 yards of the same kind of goods; besides, when they receive money, it gives facilities to obtain whiskey.

I am therefore decidedly in favor of this mode of payment, provided it be their wish.

I.

Private council with the Delaware and Shawnee chiefs.

Mr. Ellsworth. I wish to say a few words on the subject of whiskey. Your great father believes whiskey bad for your people. He knows you cannot govern them when they are intoxicated. He knows also the difficulty of restraining the young men, when they once get a bottle of this poison. What, therefore, he does, is for your good. Let me ask you if there is any chief present that wishes the law changed, so that liquor may come in without restriction. If there is one of you who loves his child, do you wish him to grow up a drunkard? Will drunkards make good men? Do not all the private murders in the Indian country occur from intoxication? There is but one answer to these questions. Your situation as chiefs is a responsible one. Will you help your great father to enforce his laws? Lately he sent instructions to your agent; you pretend not to believe them. Let me tell you these instructions are from your great father, and he will be sorry to hear you do not regard them.

Suannock, chief warrior of the Delawares, spoke:

My father, what you say is true. Whiskey is bad for our people; we see it every day; but the whites first gave us the whiskey; we did not once love it. The white man said it was good, and our young men took it. We first thought the man who drank it was dying, but the doctor said he was only drunk. My father, we have had a custom of making an annual feast, and have a little whiskey. We should like this now, and want to know if you cannot let us have a few gallons for a treat once a year; we will not get drunk. We cannot keep our young men from going into the States. The traders all along the line have a "heap" of whiskey. Our men drink some, and bring some home. We have no law, and it is a difficult thing to stop this. But we know it is a bad thing. I can live without, and so can others.

Shawnee chief spoke:

What you say, my father, is true. We know whiskey is bad. But a few days ago, when our agent had read to us his instructions from our

great father. Our young men went to Independence, this side of the Blue, (a stream;) they met some white traders in whiskey, who said there was no law against Indians taking whiskey into their country, and nobody said so, except their agent, and bad men at the fort. The white men told our young men to take some whiskey even to Mr. Cummings's house, and they would not be punished. If the white men should put them in jail, they would go and let them out again. We are sorry, my father, that it is so. *We have no laws, and our great father does not put into execution those he makes himself.*

Mr. Ellsworth. You say whiskey is bad. If you admit it for a feast, other tribes will admit it for a feast, and your young men will taste it, then they will want it. Your chiefs will find it difficult to govern young men if you have any of this whiskey. If you wish a feast, you can get something else besides this whiskey, and rely upon it, it is best to have noneat all

Suannock spoke:

It is true we can get something else besides whiskey, for we had feasts before we knew whiskey. My father, your advice is good. You wish to help us, I believe. We will tell our young men and women all you say about these things.

K.

In a prosecution on the frontiers of Missouri, under a State law which prohibits the sale of liquor to an Indian, a witness testified that he saw the trader draw the whiskey from the cask, and pour it into the jug of an Indian, who carried the same away. To be more sure, the witness tasted a little that remained in the measure. Upon cross-examination, the witness was asked if he tasted any in the jug. He replied, no; but the jug was filled *from* the measure. The criminal was acquitted.

Last July three persons were brought by Lieutenant Nichols to Independence, (Missouri,) for trial, having been taken in the Indian country, by Major Riley, for violating the intercourse law. One of the commissioners happened to be passing through Independence at the time. Two barrels of whiskey were found in the possession of the criminals a little below the garrison. Sales to soldiers were proved. The criminals were defended by three able counsellors, one a distinguished advocate from St. Louis. All were acquitted.

L.

OFFICE OF THE ASSISTANT COMMISSARY OF SUBSISTENCE,

Fort Gibson, February 25, 1834.

SIR: Your note of the 24th instant has been handed to me, and in reply, I have to say, from the best information in my possession, that the price of whiskey sold by the Indians, in this vicinity, to the soldiers, varies from three to six dollars per gallon.

I am, sir, very respectfully,

Your obedient servant,

L. F. CARTER, *A. C. S.*

To Mr. ELLSWORTH, *S. Commissioner.*

M.

Estimate of expense for an annual council of Indians.

Attendance of 100 delegates for 30 days, at $1 per day -	$3,000
Travel for each delegate, average 200 miles, and allowing $1 for every 20 miles - - - - - -	1,000
Returning, the same - - - - - -	1,000
Buildings to accommodate Indians - - -	1,000
500 rations for 30 days - - - - - -	1,500
Support of table during council - - - - -	2,000
For interpreters, travel, and attendance of delegates from tribes east of the Mississippi, who may be invited, and all contingent expenses - - - - - -	5,500
	$15,000

REFERENCES TO THE MAP.

Estimated quantity of land assigned to the tribes who have emigrated from the eastern to the western side of the Mississippi.

	Acres.		Acres.
Choctaws - -	15,000,000	Kaskaskias and Peorias	96,000
Creeks and Seminoles -	13,140,000	Ottawas - -	34,000
Senecas and Shawnees	100,000	Shawnees - -	1,600,000
Quapaws - -	96,000	Delawares - -	2,208,000
Piankeshaws and Weas	160,000	Kickapoos - -	768,000

Statement of the numbers of the Indians, west of the Mississippi, who have emigrated.

Delawares - -	826	Pottawatamies - -	191
Shawnees - -	1,250	Senecas, from Sandusky -	251
Kickapoos - -	470	Senecas and Shawnees -	211
Ottawas - -	200	Creeks - - -	2,459
Weas - - -	222	Cherokees - -	5,000
Piankeshaws - -	162	Appalachicolas - -	265
Peorias and Kaskaskias -	132	Choctaws - -	15,003

Statement of the numbers of Indian tribes east of the Mississippi.

Indians in New York -	4,716	Miamies - - -	1,200
Indians, from New York, at Green Bay - -	725	Weas - - -	60
Wyandots, in Ohio and Michigan - -	623	Creeks - - -	22,668
		Cherokees - -	10,000
		Chickasaws - -	5,429

Winnebagoes*	4,591	Choctaws	3,500
Ottawas and Chippewas, of Lake Michigan	5,300	Seminoles	2,420
Chippewas	6,793	Appalachicolas	340
Chippewas, Ottawas, and Pottawatamies	8,000	Menomonies	4,200
		Pottawatamies	1,400

Statement of the numbers of the Indian tribes, resident west of the Mississippi.

Sioux	27,500	Crows	4,500
Ioways	1,200	Quapaws	450
Sacs of the Missouri	500	Caddoes	800
Omahas	1,400	Poncas	800
Ottoes and Missourias	1,600	Osages	5,120
Pawnees	10,000	Kanzas	1,471
Camanches	7,000	Sacs	4,800
Mandans	1,500	Arickaras	3,000
Minetarees	1,500	Cheyennes	2,000
Assinaboins	8,000	Blackfeet	[illegible]0,000
Crees	3,000	Foxes	1,600
Gros Ventres	3,000	Arrepahas, Kioways, &c.	1,400

* Part of these have gone west of the river, but their number is not known.

ERRATUM.

In the first page of the Report, an error occurred in the transcription, which the reader is desired to correct.

For "acquainted" in the seventh line, rerd *connected.*